

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

YIFAN SHEN, an individual,
ZHIMING XU, an individual, XINXI
WANG, an individual, YONGXIN
LIU, an individual, and MULTI-
CHOICE REALTY LLC, a limited
liability corporation,

Plaintiffs,

v.

ASHLEY MOODY, in her official
capacity as Attorney General of the
State of Florida, WILTON SIMPSON,
in his official capacity as
Commissioner of Agriculture for the
Florida Department of Agriculture and
Consumer Affairs, MEREDITH IVEY,
in her official capacity as Acting
Secretary of the Florida Department of
Economic Opportunity, PATRICIA
FITZGERALD, in her official capacity
as Chair of the Florida Real Estate
Commission, R.J. LARIZZA, in his
official capacity as State Attorney for
the 7th Judicial Circuit, MONIQUE
WORRELL, in her official capacity as
State Attorney for the 9th Judicial
Circuit, KATHERINE RUNDLE, in her
official capacity as State Attorney for
the 11th Judicial Circuit,

Defendants.

Case No. 4:23-cv-208-AW-MAF

DECLARATION OF YIFAN SHEN

I, Yifan Shen, hereby declare as follows:

1. I am a plaintiff in the above-captioned action, and I make this declaration in support of Plaintiffs' Motion for Preliminary Injunction, filed concurrently herewith. I have personal knowledge of the facts stated in this declaration, and if called to testify in this matter, I could and would competently testify to the facts contained herein.

A. Personal Background

2. I am a 28-year-old woman of Asian descent and Chinese ethnicity.

3. I am a native-born citizen of the People's Republic of China.

4. I am neither a member of the Chinese government nor a member of the Chinese Communist Party.

5. I have lived in the United States since 2016.

6. I am neither a United States citizen nor a permanent resident of the United States.

7. I currently have permission to stay and live in the United States as a holder of a valid H-1B visa, which is a nonimmigrant worker visa.

8. I have not yet applied for permanent residency status in the United States, but my employer has begun the process of permanent labor certification and I plan to apply for permanent residency in the United States.

9. I have lived in Florida since 2019. Except for some recreational travel, I have continuously lived in Florida for the past four years.

10. I have a master's degree in science, and I am a dietitian, duly registered by the Florida Commission on Dietetic Registration. One of the joys of being a registered dietitian is that my work allows me to do my part to help keep the next generation of Floridians healthy. In particular, my work focuses on providing nutritional support and care to the pediatric population in Florida.

B. Property Interests in Florida

11. I am a renter who has lived at my current residence in Orlando, Florida for about two and a half years. My current lease ends in January 2024.

12. In April 2023, I signed a contract to buy a single-family home in Orlando, Florida, which I intend to be my primary residence. A true copy of the contract with private information redacted is attached as Exhibit 1.

13. The property is a new home construction and is currently in the process of being built. The nearest intersection is Heather Road and N. Forsyth Road, Orlando.

14. The estimated closing date for my new property is December 2023.

15. I have placed a deposit on the purchase and construction of my new property in the amount of \$25,000.

16. I intend to move into my new property as soon as possible after the estimated closing date of December 2023, especially considering that my current lease ends in January 2024.

C. Irreparable Harm Caused by Florida's New Alien Land Law

17. I am aware that Senate Bill 264 (hereinafter, "Florida's New Alien Land Law") was recently passed in Florida and signed into law on May 8, 2023, which is the subject of this lawsuit. I learned about the new law from people I know, as well as from news and media reports. I have read the new law, read articles about it, and discussed it with others to try to understand what it means.

18. The home I am in contract to purchase is located in an area called Azalea Park in eastern Orlando. Based on searches on Google Maps, the home appears to be within five miles of multiple military sites, including one identified as "Orange County U.S. Army Recruiting Center Orlando" / "DEERS (Army Facility)" and one identified as "Florida Army National Guard (Army Facility)." Because I do not know the acreage of these sites, whether each qualifies as a base, camp, post, station, yard, or center, and whether they are operated under the

jurisdiction of the Department of Defense or its affiliates, it is extremely difficult to know whether they qualify as “military installations” under Florida’s New Alien Land Law.

19. The home I am in contract to purchase also appears to be within ten miles of a critical infrastructure facility.

20. Given the severe criminal and civil penalties for violating Florida’s New Alien Land Law, given that my closing date is after July 1, 2023, and given the uncertainty about whether my new property is within five miles of multiple “military installations” under the law’s vague definitions, I will be forced to cancel the contract for the purchase and construction of my new home. I stand to lose all or part of my \$25,000 deposit upon cancelling my contract.

21. I am extremely distressed at the prospect of not being able to acquire my new home and having no place to go when my lease ends. I am also extremely distressed at the prospect of losing my deposit, which would be a severe financial burden.

22. I am also very worried about my future ability to purchase a home in Florida. Although I am aware of an exception to Florida’s New Alien Land Law allowing me to purchase one residential property up to two acres in size and not within five miles of a military installation, the new law is very unclear about the areas where I can safely purchase a home in Florida without risking criminal prosecution. I am very fearful that I could inadvertently purchase a home that violates the law and could be arrested and charged with a felony. If I were convicted, I could face up to five years in prison and a fine of \$5,000, plus immigration consequences. On top of that, the property could be forfeited.

23. Relatedly, I am also very worried that I will be discriminated against by sellers and real estate agents in my future search for real estate because of their fear of the risk of violating the law and because I am Chinese. I believe that my search for real estate will be more costly, time-consuming, and burdensome under

the new law because I am Chinese. The new law will cast a cloud of suspicion over me as a Chinese person.

24. With respect to the possible criminal sanctions for violating the law, even inadvertently, I am very worried about the impact that being incarcerated could have on my life. Not only would being incarcerated deprive me of my freedom and basic liberties, but it would interrupt my income, destroy my career, and possibly result in me losing my ability to remain a registered dietitian.

25. Even if, under the new law, I am eventually able to purchase a property in Florida, I will have to register that property with the State. These registration requirements are burdensome, discriminatory, and stigmatizing to me. I am very worried that this registration will be used to target me, discriminate against me, monitor me, and generally harass me as a Chinese homeowner.

26. I feel that as a Chinese person, I have been singled out and targeted by the law simply because of where I came from, my ancestry, and my alienage status. The law stigmatizes me and wrongly treats me as suspicious because I am Chinese.

I declare under penalty of perjury under the laws of the United States and the State of Florida that the foregoing is true and correct.

Executed this 5th day of June, 2023.



Yifan Shen

EXHIBIT 1

BLUE DIAMOND
PURCHASE CONTRACT

This Purchase Contract (the "Contract") is made by and between NEW EARTH PROPERTIES LLLP, a Florida Corporation ("SELLER"), whose address is [REDACTED] Orlando, Florida 32801, and

BUYER 1: YIFAN SHEN

Home Phone: [REDACTED]	Work Phone:
Email Address: [REDACTED]@GMAIL.COM	
Mailing Address: [REDACTED]	ORLANDO, FL 32814

BUYER 2:

Home Phone:	Work Phone:
Email Address:	
Mailing Address:	

ORAL REPRESENTATIONS CANNOT BE RELIED ON AS CORRECTLY STATING THE REPRESENTATIONS OF THE DEVELOPER. FOR CORRECT REPRESENTATIONS, REFERENCE SHOULD BE MADE TO THIS CONTRACT.

1. **DESCRIPTION OF PROPERTY.** Subject to the terms and conditions of this Contract and for the consideration set forth herein, BUYER hereby agrees to purchase and SELLER hereby agrees to sell and convey to BUYER all of that certain parcel of real property being situated in Orange County, State of Florida, known and designated as **LOT No. [REDACTED]**, (the "LOT") of BLUE DIAMOND, whose **STREET ADDRESS** is -- [REDACTED] DR, ORLANDO, FL 32807-----, together with all appurtenances thereto, as the same are contained and defined in the plat for BLUE DIAMOND, recorded in the Public Records of Orange County, Florida, Plat book 108, Pages 106-111.

As part of the consideration for this transaction, SELLER hereby agrees to equip and furnish the Unit with the Standard Features set forth on the attached Exhibit "A." BUYER hereby is notified that the models that will be shown by SELLER may contain equipment and furnishings that may be different from the equipment and furnishings to be placed in the Unit by SELLER under this Contract, and BUYER hereby agrees that the only equipment and furnishings to be placed in the Unit by SELLER are as stated above. The cost of any additional equipment and furnishings shall be borne solely by BUYER.

2. **PURCHASE PRICE AND METHOD OF PAYMENT.** BUYER agrees to pay the Total Purchase Price of \$ 484,900 to SELLER as follows:

Purchase Price:

a. Base Purchase Price of Unit	\$479,900
b. PLUS: Extra/Options (if any, as listed in Addendum "A")	\$ 5,000
c. LESS: Credits (if any)	\$
d. TOTAL PURCHASE PRICE	\$ 484,900

DS
45

DS
MS

Method of Payment:

a. Initial Cash Deposit made as of the date of this Contract	\$ 5,000
b. LESS: Additional deposit(s) due on or before as set forth below: DUE BY MAY 15 TH , 2023	\$ 19,245
c. Balance due at Closing (Subject to adjustments and prorations provided for herein such as closing costs and prepaids.	\$ 460,655

3. **FINANCING.** If BUYER elects to obtain mortgage financing, BUYER shall assume responsibility and expense for obtaining such financing. BUYER acknowledges and agrees that this Contract shall not be conditioned on BUYER qualifying for mortgage financing from any lender or on any lender funding at closing. Notwithstanding the foregoing, if BUYER elects to obtain mortgage financing, BUYER hereby agrees to make a loan application within five (5) days from the effective date of this Contract. The failure of BUYER to make a loan application within the above time frame shall constitute a default hereunder and may be actionable by SELLER in accordance with the terms of this Contract, and such default may be cured only on the express written statement by SELLER indicating that the default is deemed to be cured. Loan approval by the lending institution must be issued within thirty (30) days following BUYER's loan application, unless otherwise agreed to in writing by SELLER and BUYER. The failure of BUYER to secure loan approval within the thirty (30) day time frame shall not be grounds for BUYER to avoid BUYER's obligations under this Contract. Loan approval shall mean a loan commitment from an institutional lender.

If BUYER complies with all of the above requirements and is unable to procure a loan commitment within thirty (30) days of the date of application, SELLER shall have the option of refunding BUYER's deposits to BUYER and terminating this Contract, at any point after expiration of said 30 day period.

However, if BUYER fails to comply with any of the above requirements, BUYER will not be entitled to terminate this Contract and this Contract will be deemed a cash sale, or at SELLER's option, SELLER may declare BUYER in default. If BUYER is unable to obtain mortgage approval due to an adverse change in BUYER's personal or financial condition occurring after BUYER first applies for a mortgage, or if the lender withdraws BUYER's approval after approving BUYER, BUYER will not be entitled to terminate this Contract and this will be deemed a cash sale or SELLER may, at its option, terminate this Contract and refund BUYER's deposits to BUYER. If BUYER's approval is subject to any contingencies or conditions of any nature, to include but not limited to, credit updates, proof of funds available, proof of employment and income, insurance or any other requirements to be furnished or performed by the BUYER, or the approval is called preliminary or conditional, in such case, that approval shall constitute the approval required under this Contract, and BUYER shall be fully responsible and required to satisfy all conditions or contingencies to the satisfaction of the lender prior to the closing. In the event BUYER does not satisfy the lender and the lender withdraws such preliminary, conditional or contingent approval, it shall be deemed a default on the part of the BUYER and this transaction shall be deemed a cash sale or, at SELLER's sole option, this Contract may be terminated and the BUYER's deposit refunded.

In addition, any other contingencies, conditions or requirements of BUYER that become effective upon mortgage approval shall be satisfied at the time designated regardless of the conditions or type of approval obtained. If BUYER's loan approval is withdrawn by the lender for any reason, this becomes a cash sale, and BUYER's deposits will be forfeited in the event that BUYER does not close on the transaction.

DS
45

DS
MS

The initial deposit of \$5000 in paragraph 2a above is payable to the Escrow Agent Title Team, however, after 30 days, this deposit is forwarded to the Seller by Title Team and becomes non-refundable. Buyer acknowledges and consents to this transfer of the initial deposit by signing this contract. The additional deposit is paid directly to the Seller and is Non Refundable upon payment.

4. **SELECTION PERIOD.** BUYER agrees to meet with SELLER's designated representative to complete the selection and all decisions required to be made regarding colors and whether to accept the standard features which are included in the base sales price for the Unit or select and agree to pay any increase in the Purchase Price for any option or upgrades in the Unit. BUYER hereby acknowledges receipt and understanding of the standard features list for this development. The selection process shall be completed within SEVEN (7) days of SELLER's oral or written request that BUYER make such selections ("Selection Period"), unless an extension is agreed to in writing by both parties. BUYER understands that after the Selection Period elapses further selections and changes to prior selections will not be allowed.

5. **CONSTRUCTION.** The temporary or permanent certificate of occupancy from the applicable governmental authority shall be final with respect to completion and compliance. The estimated date of completion of construction of the Unit is 12-28-23. SELLER agrees that it will use its best efforts to complete construction by said date. BUYER acknowledges and agrees that said completion date is not guaranteed and is not the essence of this Contract. Under no circumstances shall SELLER be liable for any damages or inconvenience caused to BUYER because of the failure to complete construction by said date, regardless of the cause for the delay. Notwithstanding anything contained herein to the contrary, SELLER unconditionally agrees to complete the Unit within a period of two (2) years from the date of this Contract. Such two (2) year period, however, may be extended due to acts of God, inability to obtain materials, or any other event constituting an impossibility of performance under Florida law. With respect to SELLER's two-year completion obligation, nothing contained herein shall restrict BUYER's right to seek specific performance or any other remedy if BUYER is entitled to such remedies by operation of law.

Certain items displayed in the models (if one is to be built), and/or outside the models such as decorator items, and any other items displayed for merchandising purposes are not standard construction items and are therefore not included in the Agreement. In the event of any conflict between SELLER's models or marketing materials and the plans and specifications for the Unit, the plans and specifications shall control. Identification of such items should be obtained from SELLER's sales representatives.

The Unit may be constructed as a reverse ("mirror image") of that illustrated in the floor plan of the applicable model as shown on sales and promotional material of the SELLER or as shown on an existing model of the Unit. BUYER agrees to accept the Unit as sited by SELLER and as constructed according to a standard or reverse floor plan.

SELLER reserves the right to make minor architectural, structural, or design modifications or changes in the Unit as it deems necessary or desirable, and BUYER agrees to close on the purchase of the Unit notwithstanding such modifications and changes, as long as the modifications and changes do not alter the overall integrity of the Unit and any changes are such that the materials are at least of equal quality. The square footage numbers advertised in sales materials are approximate and may vary. SELLER may have to install chases for mechanical equipment or other reasons that may not appear in marketing or building plans. Location of chases may vary and it will be at the option of the SELLER.

In the event the Unit purchased herein has been constructed as of the date of this Contract, then BUYER acknowledges that BUYER has inspected the Unit and approves and accepts the Unit, as it now exists.

The Purchaser of a one or two story residential unit has the right to have all deposit funds (up to ten (10) percent of the purchase price) deposited in an interest-bearing escrow account. The Purchaser may waive this right in writing. The interest if any, accrued on said escrow account shall be paid to SELLER at closing, unless previously disbursed in accordance with the provision of Florida Statutes at section 501.1375. Deposit(s) made by BUYER hereunder shall be held in a non-interest bearing account. If BUYER terminates this Contract

DS
US

DS
MS

without defaulting, SELLER shall refund all deposits. If BUYER defaults, SELLER shall be entitled to retain all deposits. BUYER will be required to authorize disbursement of any escrowed funds by the Escrow Agent to SELLER at closing. Title Team shall act as an escrow agent. The escrow agent is located at 300 S Orange Ave, suite 1000, Orlando, FL 32801. PH: 407-591-3726. BUYER, by signing this contract, waves his/her right to have the deposit placed in an interest bearing account and allows the SELLER to use the whole deposit for construction. Once total of 5% deposit is paid by BUYER, the deposit shall become non-refundable. In the event wood cabinets are installed, BUYER acknowledges that wood grain patterns on various segments of the cabinets may not match. SELLER will not replace cabinets due to color or such variations.

Ceramic Tiles may contain slightly different shades on some individual tiles. BUYER acknowledges and agrees that SELLER will not be obligated to replace individual tiles due to such differences.

6. **TITLE OF BUYER.** At closing, SELLER will transfer title to the Unit to BUYER by Warranty Deed, subject only to the following exceptions:
- a. The provisions of the Declaration of Covenants and all exhibits thereto.
 - b. Taxes and assessments for the year of closing and subsequent years.
 - c. Restrictions, reservations, conditions, agreements, limitations, and easements of record before closing or imposed by governmental authorities having jurisdiction or control over the subject property; provided, however, none of the foregoing shall prevent the use of the property for residential purposes.
 - d. Zoning or building code ordinances, regulations, rights, or interests vested in the United States or the State of Florida.
 - e. Matters of survey.
 - f. BUYER's mortgage, if any.
 - g. Any other items that BUYER has approved through the title insurance commitment approval process as discussed below.

The foregoing shall be considered to be the "Permitted Exceptions."

At closing, SELLER will deliver to BUYER a title insurance commitment issued by a title insurance company authorized to do business in the State of Florida, agreeing to issue to BUYER a policy of title insurance for the Unit. BUYER may then examine the same and notify SELLER of any objections to matters of title other than the Permitted Exceptions and matters to be satisfied at closing. If BUYER does not object to any other matters shown on the title insurance commitment, the other matters shall also automatically be considered to be included within the Permitted Exceptions. SELLER shall have 120 days after receiving BUYER's written notice of any objections to title to correct any defects in title that would render title unmarketable, but SELLER is not obligated to do so. If SELLER cannot or elects not to correct the title defects, BUYER shall have two options: (1) BUYER can accept title on the condition offered (with defects) and pay the full purchase price for the Unit and BUYER will not make any claims against SELLER because of the defects; or (2) BUYER can cancel this Contract and receive a full refund of BUYER's deposit(s), in which event SELLER shall be relieved of all obligations under this Contract when SELLER refunds BUYER's deposit(s).

7. **CLOSING.** Based on projected schedules for completion of construction of the Unit, SELLER shall notify BUYER seven (7) days in advance of the scheduled closing date for the purchase of the Unit by BUYER. Funds to be paid at closing shall be in current local funds paid by bank wire transfer. BUYER shall be expected to close on the date indicated in the notice, once the date is established. The notice also shall state the place and time of closing as designated by SELLER. If, after SELLER notifies BUYER of the time and place for closing, BUYER fails to close for any reason at that time and pay the balance of the full purchase price and all other amounts that are owed under this Contract, at SELLER's sole discretion, SELLER may either
- a. Treat BUYER's failure to close as a default, in which case SELLER shall have the rights set forth

in paragraph 10 of this Contract; or

- b. Agree to set another date for closing. In such a case, BUYER will be required to pay SELLER at closing \$200.00 per day due at closing based on the number of days between the date originally set for closing and the date the closing actually occurs.
8. **WARRANTIES.** Express and implied warranties by SELLER and other warranties are hereby specifically disclaimed. The unit shall be transferred subject only to the implied warranties of fitness and merchantability set forth in Florida Statutes and to a one (1) year builder's warranty. Said warranty shall be available for review at the SELLER's sales office. No other warranties, express or implied, are made.
9. **INSPECTION.** BUYER shall not enter into possession of the Unit or come on the construction site until the transaction has been fully closed except for the purpose of inspection as set forth herein. BUYER's failure to adhere to this provision will constitute default. BUYER will have no right of possession or use of the residence until closing. BUYER will be given an opportunity prior to closing, at a date and time scheduled by SELLER to inspect the residence with an authorized representative of SELLER ("Preclosing Final Walkthrough"). At that time, BUYER agrees to sign an inspection form listing any defect(s) or alleged defect(s) in workmanship or materials BUYER discovers. Any defect(s) or alleged defect(s) not so specified in the inspection form at the Preclosing Final Walkthrough shall be deemed to have occurred after said date, and SELLER shall have no responsibility for such defect(s) or alleged defect(s). SELLER is not required to make repairs of a cosmetic nature unless caused by a defect SELLER is responsible to repair or replace. Once the preclosing Final Walk Through items are corrected at SELLER's discretion and SELLER's best ability, BUYER shall proceed to close at a time and date set by SELLER. REFUSAL TO DO SO WILL CONSTITUTE A DEFAULT, IN WHICH CASE SELLER SHALL HAVE THE RIGHTS SET FORTH IN PARAGRAPH 10 OF THIS CONTRACT.

BUYER acknowledges that, BUYER may only conduct "one walk through" prior to closing. SELLER is only required to correct the items in the original walk through. SELLER has no obligation to correct items that BUYER may generate as a result of a second inspection. In the event individuals other than BUYERS accompany the BUYER during the walk through, such individuals are required to present proper insurance to SELLER. Otherwise at the request of the SELLER, such individuals may not be allowed to accompany BUYER during the walk through.

10. **DEFAULT.** In the event BUYER is in default of any provisions of this agreement, at SELLER's option, SELLER has the right to cancel this agreement unilaterally in which case BUYER forfeits his/her deposit in full. At SELLER's discretion SELLER has the option to allow BUYER to cure a default resulting from failure to close on the date set under Section 7 or 9 herein, in this case BUYER shall pay to SELLER a charge of \$ 200.00 per day for each day of delay following said date of closing. SELLER may also sue BUYER for specific performance of this Contract. If, for any reason other than failure of SELLER to make SELLER's title marketable after diligent effort, SELLER fails, neglects, or refuses to perform this Agreement, the BUYER may seek specific performance or elect to receive the return of BUYER's deposit. In the event BUYER issues a check that does not clear the bank due to funds not being available, it shall constitute a default under the terms of this contract. The SELLER may then cancel the contract.
11. **CLOSING COSTS.** BUYER shall pay the following costs at closing: a. Fees for recording the deed;
- b. Any attorney's fees incurred by BUYER;
 - c. All costs and fees payable in connection with any mortgage that BUYER may obtain on the Unit;
 - d. Costs for documentary stamps on the deed conveying title and the owner's title insurance policy;
 - e. A one-time \$300 fee payable to the Association.

- f. Any other document preparation and closing costs.

SELLER will contribute a total of \$5,000 toward closing costs if BUYER uses SELLER's preferred lender, Contemporary Mortgage Services, Inc. Corky Howland: 407-834-3377 or Caliber Home Loans, Francheska Rodriguez: 407-719-0216. Movement Mortgage, Diana Arango: 407-852-6717.

12. **PRORATIONS.** The following items shall be prorated between SELLER and BUYER as of the date of closing:
 - a. Monthly Common Expense Assessment for the Unit owed to the Association for the remainder of the applicable payment period (be it monthly, quarterly, or annually) presently set at \$600 per year.
 - b. General real estate taxes for the year of closing.
13. **DOCUMENTS EXECUTED BY SELLER.** SELLER will execute and deliver to BUYER a Warranty Deed and an Affidavit of No Liens with respect to the Unit conveyed.
14. **OCCUPANCY AND DISBURSEMENT.** Occupancy shall be delivered to BUYER at closing. The granting by SELLER of any limited right of possession or access to the Unit to BUYER before closing shall not constitute a waiver by SELLER of any of BUYER's obligations under this Contract. Any such limited right of possession or access in favor of BUYER shall be strictly subject to the consent of SELLER and shall not be a right of BUYER.
15. **RECORDING; ENTIRE CONTRACT; MODIFICATION; SURVIVAL; NOTICES; EFFECTIVE DATE; INSURANCE; AND TIME IS OF THE ESSENCE.** Neither this Contract nor any notice or memorandum hereof may be recorded in the Public Records of Orange County, Florida. This Contract contains the entire understanding between BUYER and SELLER, and BUYER hereby warrants that BUYER has not relied on any verbal representations, advertising, portrayals, or promises other than as contained herein. This Contract may not be modified, amended, or rescinded except by a written agreement signed by both BUYER and SELLER. The provisions and disclaimers in this Contract that is intended to have effect after closing will survive closing and delivery of the Warranty Deed. Unless otherwise notified in writing, notices shall be deemed duly sent if mailed or emailed, to either SELLER's or BUYER's respective address as listed on the first page of this Contract. This Contract shall become effective on the date when the last one of BUYER and SELLER has signed this Contract. BUYER shall have an affirmative duty to obtain and keep in good standing a hazard insurance policy on the Owner's Dwelling Unit in an amount not less than the replacement value thereof and naming the Association as a coinsured thereunder. Each Owner shall deliver a copy of said policy to the Association on the closing date on which an Owner obtains title to a Dwelling Unit and shall deliver evidence of the continued good standing of said policy annually thereafter.
16. **GOVERNING LAW; PARTIES BOUND AND PRIOR OCCUPANCY.** This contract shall be construed in accordance with the laws of the State of Florida, and shall, except as otherwise expressly provided herein, bind and inure to the benefit of the heirs, personal representatives, successors, and assigns of BUYER and SELLER. As used in this Contract, the word "BUYER" shall mean all BUYERS, jointly and severally, if there be more than one. The Unit that is the subject of this Contract has not been occupied previously.
17. **ASSIGNABILITY.** This Contract is not assignable by BUYER. SELLER shall have the right to assign its right under this Contract to a mortgage lender as additional security, and there shall be no restrictions on SELLER's ability to assign its obligations and rights under this Contract to any third party.
18. **RISK OF LOSS.** SELLER shall bear the risk of loss before closing unless possession of the Unit is

delivered to BUYER before closing, and in the latter event, the risk of loss shall be borne by BUYER as of the date of delivery of possession.

- 19. **INSULATION RIDER.** The BUYER shall be entitled to have the energy efficiency rating of the property determined.

Information regarding the type, thickness, R-value and location of insulation which is specified to be installed in each part of the Unit or surrounding the same is shown in the following table. Since this building is not constructed, the following information provided is based on the construction specifications only and not on the insulation actually installed. All R-values described are based upon information received from the manufacturer of the insulation materials and do not constitute representations or warranties of the SELLER. SELLER reserves the right to substitute a different type of thickness of insulation from that hereafter disclosed. However, in no event would the R-value for each respective use be less than that disclosed below. Should SELLER substitute a different type or thickness of insulation, the new disclosures concerning the substituted material will be supplied to BUYER as soon as the same is available.

TABLE OF INSULATION DATA

- R-38 Blown over ceilings of living area.
R-4.1 Fi-foil installed in exterior furred walls.
R-13 Unface installed in wall between garage and living area.
R-13 Unface installed in interior sound walls per plans.
Polycel around doors, windows, and penetrations.

- 20. **RADON GAS.** F.S. Section 404.056(6) requires that the following notification be provided to BUYERS of real property located in the State of Florida: "Radon is a naturally occurring radioactive gas that, when it is accumulated in a building in sufficient quantities, may present health risks to persons who are exposed to it over time. Levels of radon that exceed federal and state guidelines have been found in buildings in Florida. Additional information regarding radon and radon testing may be obtained from your county public health unit."

- 21. **BROKERS.** BUYER represents that BUYER has not dealt with any real estate broker or agent other than SELLER's representatives and: N/A

NAME: MIA CHENG- NIZZ REALTY INC
ADDRESS: 2414 NW 138TH DR, SUNRISE FL 33323
EMAIL: [REDACTED]@GMAIL.COM
PHONE: [REDACTED]

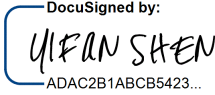
BUYER agrees to indemnify and hold SELLER harmless from: (a) the claim of any real estate broker or sales agent other than the above named broker(s) and (b) the claims of any real estate broker, including the above named broker(s), and in the event of BUYER's default hereunder, BUYER's indemnification obligations shall survive the closing of this transaction. Broker to receive a 3 % commission based on the purchase price upon closing of this transaction. Obligations of SELLER to pay real estate commission to broker will apply only if said broker is an "Active Licensee" under the provisions of the Department of Business and Professional Regulation at the time of contract execution. There will be no commission paid to any cooperating broker if not indicated herewith.

- 22. **SALES PROMOTION.** For the Purpose of completing the sales promotion of this Home until the sale of all Units in the community, SELLER is hereby given full right and authority to maintain or establish at the Property all models, sales office, and advertising signs and banners if any, and lighting in the connection

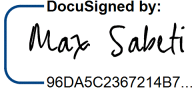
therewith, together with the right of ingress and egress and transient parking through the Property. This clause shall survive the closing contemplated herein and delivery of the deed to the BUYER.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals on the date(s) indicated below.

BUYER(S):

Signature:		Signature:
Name:	YIFAN SHEN	Name:
Social Security No:		Social Security No:
Date of Execution:	4/14/2023	Date of Execution:

NEW EARTH PROPERTIES LLLP, a Florida Corporation:

Signature:	
Title:	General Partner
Date of Execution:	4/12/2023

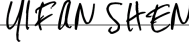
DISCLOSURE SUMMARY FOR BLUE DIAMOND

IF THE DISCLOSURE SUMMARY REQUIRED BY CHAPTER 720, FLORIDA STATUTES, HAS NOT BEEN PROVIDED TO THE PROSPECTIVE PURCHASER BEFORE EXECUTING THIS CONTRACT FOR SALE, THIS CONTRACT IS VOIDABLE BY BUYER BE DELIVERING TO SELLER OR SELLER'S AGENT OR REPRESENTATIVE WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 3 DAYS AFTER RECEIPT OF THE DISCLOSURE SUMMARY OR PRIOR TO

CLOSING, WHICHEVER OCCURS FIRST. ANY PURPORTED WAIVER OF THIS VOIDABILITY RIGHT HAS NO EFFECT. BUYER'S RIGHT TO VOID THIS CONTRACT SHALL TERMINATE AT CLOSING.

BUYER SHOULD NOT EXECUTE THIS CONTRACT UNTIL BUYER HAS RECEIVED AND READ THIS DISCLOSURE.

1. As a Purchaser of property in this Community, you will be obligated to be a member of a Homeowners' Association.
2. There have been recorded Restrictive Covenants governing the use and occupancy of properties in this Community, namely the Declaration of Covenants, Conditions & Restrictions for Blue Diamond, Bylaws of Blue Diamond Owners Association, and Articles of Incorporation of Blue Diamond Owners Association, copies of which have been provided to BUYER, as acknowledged by the signature below.
3. You will be obligated to pay assessments to the Association. Assessments may be subject to periodic change. If applicable, the current amount is \$600 per YEAR. You will also be obligated to pay any special assessments imposed by the Association.
3. You will be obligated to pay Assessments to the Association. You will be obligated to pay Special Assessments to the respective Municipality, County or Special District. All Assessments are subject to periodic change.
4. Your failure to pay Special Assessments or Assessments levied by a mandatory Homeowners' Association could result in a lien on your property.
5. There is not an obligation to pay rent or Land Use fees for recreational or other commonly used facilities as an obligation of membership in the Homeowners' Association.
6. The Restrictive Covenants cannot be amended without the approval of the Association Membership.
7. The statements contained in this Disclosure form are only summary in nature, and, as a prospective Purchaser, you should refer to the Covenants and the Association Governing Documents before purchasing property.
8. These documents are or will be matters of public record and can be obtained from the record office in the county where the property is located.
9. The lake at Blue Diamond is for aesthetic benefits only. No recreational uses are available or allowed.

	4/14/2023	
Date:	Purchaser:	<div style="border: 1px solid black; border-radius: 10px; padding: 2px; display: inline-block;"> <small>DocuSigned by:</small>  <small>ADAC2B1ABCB5423...</small> </div>
Date:	Purchaser:	

Addendum "A"

PURCHASER(s): YIFAN SHEN _____

SUBDIVISION: BLUE DIAMOND MODEL: SOLITAIRE A

ELEVATION: A LOT: ■

Options, or changes order charges, are not to be refunded under any circumstances after start of construction.

COLOR SELECTIONS. SELLER allows BUYER to make color selections based upon materials available. BUYER agrees to make selections within 7 days of being notified to do so. Buyer acknowledges that construction delays will occur if selections are not made in a timely manner. If any material should prove not available, BUYER will be notified to make another selection. There will be no charge in this event.

Item	Cost
SELLER WILL PAY A TOTAL OF \$5000 TOWARD THE TOTAL CLOSING COSTS	
LOT PREMIUM	\$5,000
BASE PRICE:	\$479,900
TOTAL OPTIONS:	\$5,000
TOTAL PURCHASE PRICE:	\$484,900

AGREED TO: 4/14/2023

Purchaser: DocuSigned by:
ULFAN SHEN Date:

Purchaser: ADAC2B1ABCB5423... Date:

STANDARD LUXURY FEATURES

GOURMET KITCHEN

- Pantry Per Plan
- Icemaker Line
- Double Bowl Sink with Sprayer
- Stainless Steel Self-Cleaning Range w/ Glass Cook Top
- Stainless Steel Multi-Cycle Dishwasher
- Stainless Steel Microwave Oven
- Food Waste Disposal System
- Ceramic Tile (your choice of colors)
- Granite Countertops
- 42" Solid Wood Designer Cabinets

LUXURY BATHROOMS

- Full Vanity Mirrors
- Elongated Toilets
- Ceramic Tile Flooring in All Bathrooms
- Water-Saving Showerheads
- Quality Plumbing Fixtures
- Double Bowl in Master Bath
- Ceramic Tile Walls/Shower
- Granite Countertops

SAFETY & ENERGY EFFICIENCY

- R-38 Ceiling Insulation
- 40-Gallon Quick Recovery Hot Water Heater
- Energy Efficient A/C w/ Heat Pump
- Maintenance Free Vented Aluminum Soffits
- Energy Efficient Roof Vents
- Energy Saving Fiberglass Paneled Entry Doors
- Protective Smoke Detectors

OUTSTANDING INTERIOR

- Ceramic Tile Floor in Foyer
- 10' High Ceilings on 1st Floor
- 3 1/4 inch Colonial Base Molding
- Raised Paneled Interior Doors
- Designer Light Fixture Package
- Pre-Wired for four Phone Jacks
- Pre-Wired for four Cable TV Outlets
- Pre-Wired for Fans in Family Room and Master Bedroom
- Your Choice of Stain Resistant Carpet
- Electric Smoke Detector/Door Chimes
- Garage Door Opener w/ Two Controls

QUALITY CONSTRUCTION

- Concrete Block Structure
- Architectural Shingle Roofs
- White Aluminum Window Frames
- Professionally Engineered Roof Trusses w/ Hurricane Clips for Wind Protection
- 10-Year Structural Warranty
- 1-Year Builder Warranty

SPECIAL FEATURES

- Professionally Landscaped Community
- Fully Sodded Yard w/ Irrigation System
- Air Filtration Prevention Sealing
- Underground Utilities

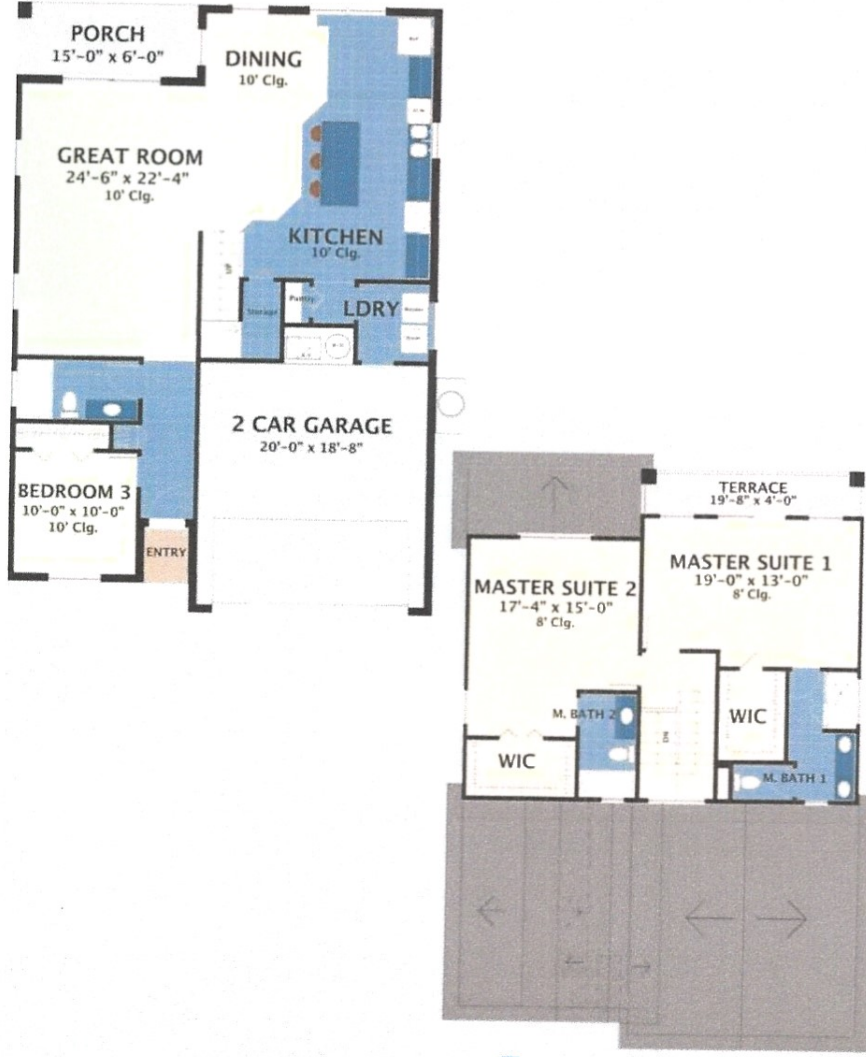
V52 SERIES

-45' WIDE LOTS-



The Solitaire

A solitaire diamond is the only gem a ring or necklace needs. Likewise, this home is sufficient to meet all your needs, with its two master suites, great room, and bedroom on the first floor.



3

3

2

1,982

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

YIFAN SHEN, an individual,
ZHIMING XU, an individual, XINXI
WANG, an individual, YONGXIN
LIU, an individual, and MULTI-
CHOICE REALTY LLC, a limited
liability corporation,

Plaintiffs,

v.

ASHLEY MOODY, in her official
capacity as Attorney General of the
State of Florida, WILTON SIMPSON,
in his official capacity as
Commissioner of Agriculture for the
Florida Department of Agriculture and
Consumer Affairs, MEREDITH IVEY,
in her official capacity as Acting
Secretary of the Florida Department of
Economic Opportunity, PATRICIA
FITZGERALD, in her official capacity
as Chair of the Florida Real Estate
Commission, R.J. LARIZZA, in his
official capacity as State Attorney for
the 7th Judicial Circuit, MONIQUE
WORRELL, in her official capacity as
State Attorney for the 9th Judicial
Circuit, KATHERINE RUNDLE, in her
official capacity as State Attorney for
the 11th Judicial Circuit,

Defendants.

Case No. 4:23-cv-208-AW-MAF

DECLARATION OF ZHIMING XU

I, Zhiming Xu, hereby declare as follows:

1. I am a plaintiff in the above-captioned action, and I make this declaration in support of Plaintiffs' Motion for a Preliminary Injunction, filed concurrently herewith. I have personal knowledge of the facts stated in this declaration, and if called to testify in this matter, I could and would competently testify to the facts contained herein.

A. Personal Background

2. I am a 41-year-old man of Asian descent and Chinese ethnicity.

3. I am a native-born citizen of the People's Republic of China.

4. I am neither a member of the Chinese government nor a member of the Chinese Communist Party.

5. I have lived in the United States and Florida since January 2019.

6. I am neither a United States citizen nor a permanent resident of the United States.

7. I initially entered the United States on a tourist visa and subsequently I applied for political asylum. Before coming to the United States, I was persecuted by the Chinese government and I had to flee to the United States. I am now waiting for the U.S. government to issue a decision on my political asylum application, and currently I am legally allowed to stay and live in the United States.

8. I have a bachelor's degree obtained in China.

9. I have not visited China since I moved to the United States in January 2019. I do not have any plans to ever return to China. At this time, my hope is that I will be able to obtain permanent status in the United States through the political asylum process. I have no intentions of ever going back to China because of my persecution by the Chinese government.

10. I own a short-term rental property management company with my

wife in the Orlando area. My company caters to short-term rental property owners in the local area. My work consists of both managing properties and doing repairs and maintenance. Due to the volume of my company's work, I am proud to say that my company is also a local employer. Over the years, my company has created job opportunities in the local community and has hired local workers.

B. Property Interests in Florida

11. I am a homeowner; I own my current residence in Winter Garden, Florida, where I have lived for about one and half years. My wife, who has also applied for political asylum and is waiting on the U.S. government to issue a decision on the application, is a co-owner of the property.

12. In early 2023, my wife and I signed a contract to buy a second residential property in Winter Garden, Florida, which we intend to be an investment property. Its nearest intersection is Egret Pointe Way and Parable Way, Winter Garden. I have placed a deposit on the purchase in the amount of \$31,250. The estimated closing date is September 2023. A true copy of the contract with private information redacted is attached as Exhibit 1.

C. Irreparable Harm Caused by Florida's New Alien Land Law

13. I learned about the new Florida law, which is the subject of this lawsuit, from people I know, as well as from news and media reports. I have read the new law, read articles about it, and discussed it with others to try to understand what it means.

14. Based on my understanding, two independent provisions of Florida's New Alien Land Law require me to register my current property with the Florida Department of Economic Opportunity because I am Chinese. One provision requires me to register because I own real estate in Florida and am from China. A second provision, which applies to people from China and six other countries, requires me to register because my property appears to be located within ten miles of a critical infrastructure facility.

15. These registration requirements are burdensome, discriminatory, and stigmatizing to me. I am very worried that this registration will be used to target me, discriminate against me, monitor me, and generally harass me as a Chinese homeowner.

16. I feel that as a Chinese person, I have been singled out and targeted by the law simply because of where I came from, my ancestry, and my alienage status. The law stigmatizes me and wrongly treats me as suspicious because I am Chinese, which is extremely distressing to me.

17. I believe the new law will decrease the value of my existing property. If I decide to sell, potential buyers will likely look at it with suspicion and worry about the additional burdens or risks caused by the new law.

18. Moreover, based on my understanding, this new Florida law prohibits me from acquiring the second property that my wife and I are in contract to purchase. One provision forbids the purchase because we are Chinese and because our closing date is after July 1, 2023. Since we already own property in Florida and because of our current status in the United State, we are not eligible for the law's narrow exception. A second provision, which applies to people from China and six other countries, independently prohibits us from acquiring this property because it appears to be located within ten miles of a critical infrastructure facility. For both these reasons, I will be forced to cancel my contract for the purchase of my investment property, and I stand to lose all or part of my \$31,250 deposit upon cancelling my contract.

19. I am extremely distressed at the prospect of not being able to acquire the second property and losing my deposit, which would be a major financial burden.

20. I am also very worried about my future ability to make another property purchase in Florida. Even though the new law contains an exception allowing certain people to purchase one residential property up to two acres in


size and not within five miles of a military installation, that exception does not apply to me as someone who currently owns real estate in Florida—and it is unclear if it would apply even if I were to sell my existing property. In addition, even if I become eligible for the exception after selling my current property, the new law is very unclear about the areas where I can legally purchase a home in Florida without risking criminal prosecution. It is extremely difficult to understand where I can safely purchase a property in the state because the definitions of “critical infrastructure” and “military installation” are ambiguous and very broad. I am very fearful that I could inadvertently purchase a home that violates the law and could be arrested and charged with a felony. If I were convicted, I could face up to five years in prison and a fine of \$5,000, plus immigration consequences. On top of that, the property could be forfeited.

21. Relatedly, I am also very worried that I will be discriminated against by future sellers and real estate agents if I wanted to purchase another home because of their fear of the risk of violating the law and because I am Chinese. I believe that my search for real estate will be more costly, time-consuming, and burdensome under the new law because I am Chinese. The new law will cast a cloud of suspicion over me as a Chinese person.

22. The potential criminal consequences for violating Florida’s new restrictions on purchasing and selling property, as well as the new registration requirements, are severe in themselves and could also trigger immigration consequences. As someone who is seeking political asylum in the United States, I am especially terrified of the risk of being deported back to China.

I declare under penalty of perjury under the laws of the United States and the State of Florida that the foregoing is true and correct.

Executed this 6th day of June, 2023.



Zhiming Xu

EXHIBIT 1

Storey Grove [REDACTED]

LENNAR HOMES LLC
 6675 Westwood Blvd., 5th Floor
 Orlando, FL 32821
 407-586-4000

PURCHASE AND SALE AGREEMENT

THIS PURCHASE AND SALE AGREEMENT (together with the Riders and Addenda attached hereto and incorporated by reference herein, this "**Agreement**") is made and entered into as of the fifteenth day of APRIL, 2023 by and between LENNAR HOMES LLC ("**Seller**"), and Buyer(s) named below ("**Buyer**"):

BUYER(S): 1. Zhiming Xu 2. Tao Li 3. 4. No Buyer Name Changes Will Be Permitted Unless Seller and Buyer Validly Execute an Amendment to Change Party.		Check Applicable: Married <input checked="" type="checkbox"/> Single <input type="checkbox"/> Married <input checked="" type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Single <input type="checkbox"/>
Buyer Address: [REDACTED]		
City: Winter Garden	State / Country: FL / US	Zip: 34787
By providing your telephone numbers and your email address, you hereby consent to receiving telephonic and email communications, including advertisements, made or sent by or on behalf of Seller and/or its affiliates.		
Home Telephone: _____	E-mail Address: [REDACTED]@gmail.com	
Business Telephone: _____		
Cellular Telephone: [REDACTED]		

1. **Purchase and Sale.** Buyer agrees to buy and Seller agrees to sell to Buyer (on the terms and conditions set forth below) Model Simmitano constructed or to be constructed on the following described property:

Lot [REDACTED] of Block _____ of Storey Grove Subdivision/Plat, in ORANGE County (the "**County**"), Florida.

The residence and improvements (the "**Home**") constructed or to be constructed on the above described property (the "**Homesite**"), and all appurtenances thereto are collectively referred to in this Agreement as the "**Property**." The Property is located within the community known as Storey Grove 50 (the "**Community**").

2. **Purchase Price and Payments.** The total purchase price ("**Total Purchase Price**") for the Home, exclusive of any Closing Costs as described in Rider B and the Purchase Price and Payment Addendum, is **\$613,500.00**. Buyer (and not a third party) has made an earnest money deposit upon the signing of this Agreement (the "**Initial Deposit**") of **\$30,675.00**. Buyer shall make further payments to Seller, including but not limited to any "**Additional Deposit**" or "**Advanced Payment**" (consisting of non-refundable deposit(s) for options, extras, and upgrades) as set forth in the Purchase Price and Payment Addendum attached hereto and made a part hereof. The term "**Deposit**" shall include the Initial Deposit, Additional Deposit and Advanced Payment.

3. **Builder's Fee.** Buyer acknowledges and agrees that in connection with the purchase of the Property, Buyer shall pay to Seller a builder's fee, equal to **1.00%** of the Total Purchase Price (the "**Builder's Fee**"). The Builder's Fee is imposed in connection with all home sales in the Community, regardless of whether Buyer finances the purchase of the Property. Notwithstanding the foregoing, Buyer acknowledges that the Builder's Fee may not be imposed on all home sales in the Community, and Seller reserves the right to change or withdraw the Builder's Fee on subsequent home sales in the Community at any time prior to Seller's completion of construction of all homes in the Community. The Builder's Fee represents additional revenue and is intended to compensate Seller for various internal costs and expenses associated with the sales, promotion and/or development of the Community. This fee is due at Closing. The Builder's Fee is separate from any and all Closing Costs (defined herein below). While the Builder's Fee is payable, along with various other fees, costs and amounts at Closing, the Builder's Fee is not a settlement fee associated with any loan that you may obtain to finance the purchase of the Property.

4. **Legally Binding Agreement.** THIS AGREEMENT IS A LEGALLY BINDING CONTRACT. IF NOT FULLY UNDERSTOOD, PLEASE SEEK COMPETENT LEGAL ADVICE. NO WARRANTIES OR REPRESENTATIONS, OTHER THAN THOSE SPECIFIED IN THIS AGREEMENT, ARE EXPRESSED OR IMPLIED. ORAL REPRESENTATIONS CANNOT BE RELIED UPON AS CORRECTLY STATING THE REPRESENTATIONS OF SELLER. FOR CORRECT WARRANTIES AND REPRESENTATIONS, REFERENCE SHOULD BE MADE TO THIS AGREEMENT, INCLUDING THE RIDERS AND ADDENDA ATTACHED HERETO, AND THE "DOCUMENTS" (AS SUCH TERM IS DEFINED IN RIDER B) PROVIDED TO BUYER, IF ANY.

5. **Financing.**

CASH TRANSACTION. If this box is checked, this is a cash transaction and not contingent on financing. Buyer agrees to provide within five (5) calendar days from the Buyer's execution of this Agreement financial statements or other written verification of Buyer's ability to purchase the Property with cash. If Buyer does not (in Seller's sole judgment, based on the documentation provided by Buyer to Seller) have the financial ability to purchase the Property with cash, then Seller may terminate this Agreement by refunding to Buyer any paid Deposit.

MORTGAGE TRANSACTION. If this box is checked, Buyer desires to obtain a loan commitment (the "**Commitment**") within the Mortgage Period (as such term is defined in Rider B attached hereto) for a first mortgage loan from Lennar Mortgage, LLC (an affiliate of Seller), or another qualified institutional mortgage lender of Buyer's choice ("**Lender**"), with interest and service charges at current market rates at time of Closing (as defined below) for a borrower of Buyer's credit qualifications and with a loan term of at least thirty (30) years. Buyer agrees to apply within five (5) calendar days from the execution of this Agreement for a loan at the then prevailing interest rate. In the event Buyer chooses to obtain financing through a Lender other than Lennar Mortgage, LLC, Buyer agrees to provide Seller within five (5) calendar days with the name, address and phone number of such Lender, the loan officer and the loan processor. Buyer shall furnish promptly and accurately to Lender all information and documents requested by Lender in connection with such application. If Buyer provides Lender's written disapproval of loan within the Mortgage Period (and Buyer has not cancelled or withdrawn his/her loan application), Seller shall refund the Deposit to Buyer. If Buyer fails to provide Seller within the Mortgage Period with (i) a copy of the written Commitment reasonably satisfactory to Seller, or (ii) Lender's written disapproval of Buyer for such loan, Buyer shall be in default and Seller shall be entitled to retain the Deposit as liquidated damages for taking the Property off of the market and that the amount of liquidated damages is fixed and agreed to by the parties as a reasonable estimate of the damages that Seller shall suffer and is not in the nature of a penalty. If this Agreement provides for a VA guaranteed or FHA insured loan, Buyer's obligation to complete the purchase contemplated under this Agreement is subject to the VA/FHA Addendum attached hereto and incorporated herein.

The following shall apply only if Buyer desires to apply for a loan, as indicated above:

5.1 **Prequalification.** Buyer may have obtained a "prequalification" from Lennar Mortgage, LLC for the purpose of determining Buyer's ability to purchase the Property. BUYER UNDERSTANDS AND ACKNOWLEDGES THAT BUYER IS NOT OBLIGATED TO USE LENNAR MORTGAGE, LLC TO OBTAIN FINANCING TO PURCHASE THE PROPERTY.

5.2 **Application.** Buyer understands that any loan application required under this Agreement must be fully completed in order to obtain the mortgage loan, and Buyer will make a good faith attempt to qualify for the mortgage loan. If Buyer has a spouse who does not constitute a Buyer under this Agreement, Buyer agrees to have his/her spouse sign the mortgage documents as required by Lender. BUYER AGREES TO INCUR NO DEBT SUBSEQUENT TO THE EFFECTIVE DATE WHICH MIGHT JEOPARDIZE APPROVAL OF BUYER'S MORTGAGE LOAN. IF THE PROPERTY IS BEING PURCHASED BY A CORPORATION, PARTNERSHIP, OR OTHER ENTITY, BUYER AGREES TO (1) OBTAIN ANY PERSONAL ENDORSEMENTS OR GUARANTEES REQUIRED BY LENDER AND (2) PROVIDE TO LENDER AND/OR THE TITLE INSURER PROMPTLY UPON REQUEST SUCH CERTIFICATES, RESOLUTIONS OR OTHER CORPORATE, PARTNERSHIP OR OTHER ORGANIZATIONAL DOCUMENTS AS MAY BE REQUIRED. Except as provided in this Agreement, Buyer agrees to pay all loan fees and closing costs charged by Lender in connection with the mortgage loan. Buyer will pay any prepaid interest due on the mortgage loan at the time of Closing and any amount Lender may require to be put into escrow toward the payment of property taxes and insurance on the Property. Buyer will also pay any mortgage insurance premiums (prepaid or otherwise), if required by Lender.

5.3 **Commitment.** Any lender selected by Buyer shall not require the issuance of a certificate of occupancy and the appraiser's final inspection prior to the release of loan documents for Closing. Buyer understands that the rate of interest on the mortgage is established by Lender and not by Seller and that any predictions or representations of present or future interest rate that may have been contained in any advertising or promotion by Seller are not binding. If Buyer obtains a written mortgage loan Commitment and the mortgage loan Commitment is subsequently withdrawn through no fault of Seller including, but not limited to, any condition to such loan Commitment not being satisfied for any reason, this Agreement shall remain in full force and effect and Buyer shall be conclusively presumed to have agreed to purchase the Property as a cash transaction. If the mortgage loan Commitment is withdrawn following the expiration of the Mortgage Period, Buyer shall notify Seller, in writing, of such fact within five (5) calendar days. Buyer shall also provide financial statements or other written verification of Buyer's ability to purchase the Property with cash within five (5) calendar days of withdrawal of the Commitment. If Buyer does not (in Seller's sole judgment, based on the documentation provided by Buyer to Seller) have the financial ability to purchase the Property with cash, then Seller may terminate this Agreement by written notice and refunding to Buyer any paid Deposit. Once Buyer selects a Lender and obtains a Commitment acceptable to Seller, Buyer may change to another Lender at Buyer's discretion up to thirty (30) days prior to Estimated Completion Date provided Buyer notifies Seller in writing of such change and provides another Commitment (if there is a change in Lender) to Seller not later than thirty (30) days before the Estimated Completion Date. Buyer agrees that it will make no changes to its mortgage financing arrangement, including change of Lender, within the last thirty (30) days before Estimated Completion Date.

5.4 **Appraisal.** If the Lender's appraiser appraises the value of the Property for less than the Total Purchase Price, Buyer shall notify Seller, in writing, of such fact within three (3) calendar days from the receipt of the written appraisal. Seller shall then have the option, but not the obligation, in Seller's sole and absolute discretion, to: (i) lower the Total Purchase Price to the appraised value and Buyer shall proceed to Closing; or (ii) allow Buyer to pay the difference between the mortgage loan proceeds and the amounts required to close the transaction contemplated by this Agreement and proceed to Closing (the "**Additional Cash to Close Funds**"). Under no circumstances shall Buyer be excused from performance under this Agreement as a result of Lender's appraisal. Notwithstanding the foregoing, if this Agreement provides for a VA guaranteed or FHA insured loan, the applicable appraisal requirements are set forth in the FHA/VA Addendum attached hereto and incorporated herein.

5.5 **Sale of Other Residence.** Notwithstanding any condition in the loan Commitment to the contrary, and unless Seller agrees otherwise in writing, Buyer represents and warrants that this Agreement is not and will not be subject to or contingent upon Buyer's selling and/or closing on the sale of Buyer's present residence or other property. Failure to close on the purchase of the Property will constitute a default by Buyer and the remedies available to Seller for Buyer's default under this Agreement shall apply.

6. **Funds.** Buyer shall remit to Seller the Initial Deposit, Additional Deposit or Advance Payments by check, cashier's check or wire transfer. Buyer acknowledges that Seller shall have the right to deposit such check for the Initial Deposit without such action being deemed acceptance of this Agreement. If any such check is not paid by the bank after acceptance of this Agreement, Seller shall have the option to cancel this Agreement and declare Buyer in default. If Buyer provides any check for a Deposit in the form of Canadian currency (a "**C\$ check**"), Seller's depository bank will convert such C\$ check into a U.S. dollar amount using its currency procedures

and exchange rate then in effect two (2) business days following the date of processing (the "**Conversion Date**") and the amount of the Deposit to be applied toward the Total Purchase Price shall be equal to the amount received by Seller from the depository bank on the Conversion Date. Seller reserves the right to charge or pass through any currency conversion-related fees or costs to the Buyer at Closing (as hereafter defined). Notwithstanding the foregoing or anything contained in this Agreement to the contrary, the balance of the Total Purchase Price plus all applicable Closing Costs (the "**Closing Proceeds**") shall be paid to Seller at Closing. Any funds paid by Buyer under the terms of this Agreement to Seller, including funds paid through a check or cashier's check are accepted by Seller subject to collection.

UNLESS A WRITTEN REQUEST FOR PAYMENT BY CASHIER'S CHECK IS RECEIVED AND APPROVED BY SELLER NOT LESS THAN FIVE (5) BUSINESS DAYS PRIOR TO CLOSING, BUYER ACKNOWLEDGES AND AGREES THAT CLOSING PROCEEDS MUST BE BY FEDERAL WIRE TRANSFER IN IMMEDIATELY AVAILABLE FUNDS. BUYER IS RESPONSIBLE FOR ALL BANK OR WIRE TRANSFER CHARGES AND CURRENCY EXCHANGE FEES. WITHOUT LIMITING ANY OTHER PROVISIONS HEREIN, IF ANY DEPOSIT AND/OR CLOSING PROCEEDS ARE NOT TIMELY PAID, BUYER SHALL BE IN DEFAULT. Notwithstanding the foregoing, if Seller approves Buyer's written request to deliver a cashier's check and thereafter Buyer delivers all or any portion of the Closing Proceeds in the form of a cashier's check exceeding \$25,000.00, then Buyer will not be entitled to possession of the Home until the cashier's check has cleared.

7. **Credit Information Authorization.** Buyer authorizes Lender to whom Buyer has applied or is in the process of applying for a mortgage loan in connection with this transaction to disclose to Seller the information contained in any loan application, verification of Deposit, income and employment, and credit reports or credit related documentation on Buyer. Buyer authorizes Seller to order one or more credit reports from a consumer reporting agency to be used in connection with this transaction. The cost of said report(s) is (are) to be paid by Buyer. Buyer authorizes Seller to forward all copies of all or any portion of such report(s) without interpretation to Lender who (at the request of Buyer) will evaluate a potential extension of credit to Buyer in connection with this transaction. Buyer authorizes Lender, and any credit bureau or other person or entity utilized or engaged by Lender, to obtain one or more consumer reports regarding Buyer and to investigate any information, reference, statement, or data, provided to Lender by Buyer or by any other person or entity, pertaining to Buyer's credit and financial status. Buyer shall indemnify, defend and hold harmless Seller, its officers, directors, shareholders, employees, agents, contractors, subcontractors and suppliers ("**Indemnified Parties**"), Lender, and any credit bureau or other person or entity utilized or engaged by Lender or Seller, from and against any deficiencies, losses, liabilities, claims, damages, expenses, obligations, penalties, actions, judgments, awards, suits, costs or disbursements of any kind or nature whatsoever, including attorneys' fees and expenses ("**Claims**") arising from an investigation of Buyer's credit and financial status.

8. **Closing.** Without limiting the terms of Section 9, Buyer acknowledges and agrees that Seller has the right in its sole discretion to schedule the date and place for the closing of the transaction contemplated by this Agreement ("**Closing**") and Buyer shall close on such Closing Date (the "**Closing Date**"). Upon Closing all contracted services to be performed under this Agreement by Seller (the "**Contracted Services**") shall be deemed completed and fully performed, and this Agreement shall be deemed completed, within the meaning of Florida Statutes § 95.11(3)(c). Contracted Services shall not include any corrections of defects or deficiencies in the Home, punch list work, or warranty work. Buyer will be given notice of the Closing Date by the "Closing Date Notice Period" (as such term is defined in Rider B attached hereto). Seller is authorized to postpone or advance the date of Closing at its discretion. Seller must, however, give Buyer reasonable notice of the new Closing Date. Any notice of Closing may be given verbally, by telephone, telegraph, telex, facsimile, mail, e-mail, or other means of communication at Seller's option. All notices of Closing will be given to Buyer at the address or by use of the telephone number(s) or e-mail address(es) specified in this Agreement unless Seller has received written notice from Buyer of any change therein prior to the date notice of Closing is given. Buyer's failure to receive the notice of Closing because Buyer has failed to advise Seller of any changes of address or phone number, or because Buyer has failed to pick up a letter when Buyer has been advised of an attempted delivery or for any other reason, shall not relieve Buyer of Buyer's obligation to close on the scheduled Closing Date, unless Seller otherwise agrees in writing to postpone the Closing Date. If Buyer fails, for any reason, to close on the date specified by Seller, Seller shall have the option to declare Buyer in default and seek the remedies stated in Section 15 below, or to charge Buyer Three Hundred Dollars (\$300.00) per day for each day after the date of Closing specified by Seller until, and including, the actual Closing Date, and Seller may require that prorrations be made as of the original Closing Date. This sum shall be due and payable in full at the time the extension is accepted by Seller. In addition, if Seller agrees to an extension of the date of Closing beyond the last day of the month for which Closing is originally set, an amount equal to One Percent (1%) of the Total Purchase Price shall also be payable to Seller. The sum for extending the date of Closing beyond the last day of the month shall be due and payable in full at the time the extension is accepted by Seller. Buyer agrees that the late charges are appropriate in order to cover Seller's administrative and other expenses resulting from a delay in Closing and that the amount of liquidated damages is fixed and agreed to by the parties as a reasonable estimate of the damages that Seller shall suffer and is not in the nature of a penalty. Seller is not required to agree to reschedule Closing, but Seller may reschedule Closing in Seller's sole discretion. It is a requirement that Buyer's Lender meet the Closing date and a delay by the Lender shall not be an excuse for Buyer's timely performance. The Closing date must be met even though the certificate of occupancy and final appraiser's inspection may not be received until after the day of Closing. The Lender may make the receipt of said items a "funding condition" prior to final disbursement but the receipt of these items shall not be a condition preventing the preparation and release of loan and closing documents for Closing. Notwithstanding the foregoing and subject to the provisions of Section 5.2 above, if the Mortgage Transaction box is checked above, Seller will agree to postpone Closing and not impose late charges to the extent such postponement is required in order for Buyer's Lender to meet any pre-closing waiting period required as the result of Buyer's Lender's issuance of revised closing disclosures under 12 C.F.R. § 1026.19(f)(2)(ii) of the Consumer Financial Protection Bureau's TILA-RESPA Integrated Disclosure Rule when such revisions directly result from a Seller action taken within six (6) calendar days of the Closing Date. However, in such event, Seller shall have no liability to the Buyer for failure to deliver the Property on the originally scheduled Closing Date.

9. **Completion Date.** It is expressly agreed by Buyer that notwithstanding anything to the contrary specified herein or verbally represented (including but not limited to Seller's sales representative), any scheduled completion date is a good faith estimate, and Seller makes no promises or representations concerning the date of completion. Buyer agrees that Buyer has not relied, and will not rely upon, any estimated completion date for any purpose whatsoever, including, without limitation, relocation of residence, storage of personal property, or lock-in financing, and Buyer agrees that Seller shall not be liable for any additional costs, expenses or damages whatsoever should the Home not be completed by an estimated completion date. Notwithstanding the foregoing, upon Closing all Contracted Services to be performed under this Agreement by Seller shall be deemed completed and fully performed, and this Agreement shall be deemed completed, within the meaning of Florida Statutes § 95.11(3)(c). Contracted Services shall not include any corrections of defects or deficiencies in the Home, punch list work, or warranty work. Notwithstanding the foregoing, Seller is required to complete and does agree that the construction of the Home shall be completed not later than two (2) years from the date of Buyer's execution of this Agreement. If construction is delayed by any event recognized by the law of the state in which the Home is located as a defense to a contract action for non-performance or a delay in performance, then the date of completion shall be extended

by the delay period. It is the express intent of the parties that the parties' rights and obligations under this Agreement be construed in the manner necessary to exempt this Agreement and the sale of the Property from registration under the Interstate Land Sales Full Disclosure Act, and both Buyer and Seller hereby expressly waive any right or provision of this Agreement that would otherwise preclude such exemption.

10. **Casualty Before Closing.** If the Property is damaged by fire, vandalism, act of terrorism or other casualty before Closing and the cost of restoration does not exceed three percent (3%) of the Total Purchase Price and repairs will not substantially delay Closing, Seller shall repair the damage and Closing shall proceed pursuant to the terms of this Agreement. If the cost of restoration exceeds three percent (3%) of the Total Purchase Price or the repairs would substantially delay Closing, Buyer shall have the option to: (1) terminate this Agreement and receive a refund of the Deposit made by Buyer to Seller, in which event both parties shall be released from all obligations under this Agreement, or (2) have Seller repair the damage as soon as reasonably possible, and Closing shall be extended until such repair or rebuilding is complete.

Notwithstanding the foregoing, if all or a portion of the Property is damaged by fire, vandalism, act of terrorism or other casualty or condition and the repair or reconstruction of the Property substantially in accordance with the plans and specifications is rendered impossible by any cause recognized by the law of the state in which the Property is located as a defense to a contract action for non-performance, then Seller shall have the right to terminate this Agreement and Buyer shall receive a refund of the Deposit made by Buyer to Seller in which event both parties shall be released from all obligations under this Agreement.

11. **Deed.** Seller shall convey title to Buyer at Closing by delivery to Buyer of a Special Warranty Deed (the "**Deed**") describing the Property, which Deed shall convey title to Buyer subject to all matters described in Sections 12.1, 17 and 18 of this Agreement. Any such matters omitted from the Deed shall nevertheless be deemed to be included in the Deed. Upon Closing, within the meaning of Florida Statutes § 95.11(3)(c): (1) Buyer shall have actual possession of the Property, (2) all Contracted Services to be performed under this Agreement by Seller shall be deemed completed and fully performed, and (3) this Agreement shall be deemed completed. Contracted Services shall not include any corrections of defects or deficiencies in the Home, punch list work, or warranty work.

12. **Closing and Title Matters.** Title to the Property to be delivered to Buyer at Closing will be marketable and insurable, subject only to the following matters:

12.1 Title to the Property shall be subject to the following: (1) zoning, building codes, bulkhead laws, ordinances, regulations, rights or interests vested in the United States of America or the state in which the Community is located; (2) real estate taxes and other taxes for the year of conveyance and subsequent years including taxes or assessments of any special taxing or community development district (including assessments relating to capital improvements and bonds); (3) the general printed exceptions contained in an owner's title insurance policy; (4) utility easements, sewer agreements, telephone agreements, cable agreements, telecommunications agreements, monitoring agreements, restrictions and reservations common to any plat affecting title to the Property; (5) matters that would be disclosed by an accurate survey or inspection of the Property; (6) the Documents; (7) any laws and restrictions, covenants, conditions, limitations, reservations, agreements or easements recorded in the public records for the County (for example, use limitations and obligations, easements (right-of-way) and agreements relating to telephone, gas or electric lines, water and sewer lines and drainage, provided they do not prevent use of the Property for single family residential purposes); (8) minor encroachments on easements that do not substantially interfere with an easement holder's interest in the Property; (9) acts done or suffered by Buyer and any mortgage or deed of trust obtained by Buyer for the purchase of the Property; and (10) any deed restrictions reflected in the Deed which specifically incorporate Chapter 558 of the Florida Statutes and the mediation, arbitration and litigation provisions set forth in this Agreement. It is Buyer's responsibility to review and become familiar with each of the foregoing title matters, some of which are covenants running with the land. If any title defects are discovered by Buyer after Closing, Buyer's sole remedy shall be to make a claim to Buyer's title insurer.

12.2 Seller shall provide an affidavit complying with the Foreign Investment in Real Property Tax Act of 1980, as amended, upon written request of Buyer.

12.3 Seller may not own title to the Property as of the date of this Agreement or at Closing. However, Seller shall obtain title to the Property on or before the Closing Date or effect the necessary transfer of title on or before the date when Seller causes title to be transferred to Buyer.

12.4 If Seller cannot provide marketable and insurable title as described above, such failure shall not be an event of default and Seller will have a reasonable period of time (at least one hundred twenty (120) days from the date of the scheduled Closing Date) to attempt to correct any defects in title; provided, however, Seller shall not be obligated to incur any expense, nor institute any litigation, to clear title to the Property. If Seller cannot or elects not to correct the title defects, Seller shall so notify Buyer within such period, and Buyer may thereafter elect (by written notice from Buyer to Seller) one of the following two (2) options: (1) to accept title in the condition offered (with defects) and pay the balance of the Total Purchase Price for the Property (without set off or deduction therefor), thereby waiving any claim with respect to such title defects and Buyer will not make any claims against Seller because of the title defects; or (2) to terminate this Agreement and receive a full refund of the Deposit deposited hereunder. If all such amounts are refunded, Buyer agrees to accept it as full payment of Seller's liability hereunder, whereupon this Agreement shall be terminated and Seller shall thereafter be relieved and released of all further liability hereunder. Buyer shall not thereafter have any rights to make any additional claims against Seller. In the event Buyer does not notify Seller in writing within five (5) calendar days from the receipt of Seller's notice (time being strictly of the essence) as to which option Buyer elects, Buyer shall be conclusively presumed to have elected option (1) set forth above in this subsection.

12.5 Title to the Property will be deemed marketable if an owner's policy is issued with standard exceptions.

12.6 The acceptance of the Deed by Buyer shall be deemed to be full performance and discharge of every agreement and obligation on the part of Seller to be performed pursuant to this Agreement. UPON SELLER'S DELIVERY, AND BUYER'S ACCEPTANCE, OF THE DEED ON THE CLOSING DATE, ALL CONTRACTED SERVICES TO BE PERFORMED UNDER THIS AGREEMENT BY SELLER SHALL BE DEEMED COMPLETED AND FULLY PERFORMED, AND THIS AGREEMENT SHALL BE DEEMED COMPLETED, WITHIN THE MEANING OF FLORIDA STATUTES § 95.11(3)(c). CONTRACTED SERVICES SHALL NOT INCLUDE ANY CORRECTIONS OF DEFECTS OR DEFICIENCIES IN THE HOME, PUNCH LIST WORK, OR WARRANTY WORK.

13. **Closing Costs.** The respective responsibilities of Buyer and Seller for all costs, prorations and fees payable at Closing (the "**Closing Costs**") are shown in Rider B attached hereto.

14. **Site and Substitutions.** The materials, equipment and fixtures included in and to be used in constructing the Home will be substantially the same as or similar in quality to those described in the applicable plans and specifications (except as to extras, options and/or upgrades).

14.1 Changes to Plans and Specifications.

14.1.1 **Industry Practice.** It is widely observed construction industry practice for pre-construction plans and specifications for any home or building to be changed and adjusted from time to time in order to accommodate ongoing site conditions and in the field construction factors. These changes and adjustments are essential in order to permit all components of the Home to be integrated into a well-functioning and aesthetically pleasing product in an expeditious manner. Based on the foregoing, Buyer acknowledges that such changes and adjustments may occur and agrees that it is reasonable and to Buyer's benefit to allow Seller the flexibility to make such changes and adjustments to the Home.

14.1.2 **Seller's Absolute Right to Make Modifications to Plans and Specifications.** Seller has the absolute right to make modifications to the plans and specifications for the Home. Without limiting the generality of the foregoing, Buyer specifically agrees that changes in the dimensions of rooms and patios, entrances and terraces, if applicable, and changes in room size, in the locations of windows, doors, walls, partitions, utility lead-ins and outlets (including, but not limited to, electrical, cable television, and telephone), air-conditioning components, lighting fixtures and electrical panel boxes may be made by Seller in its sole discretion, provided however that changes in the layout and dimensions of the Home shall not substantially affect the value of the Home. Such changes may also include, but are not limited to, changes in the building location, setbacks and facing, the building's external configuration, its structural components, its finishes and the landscaping associated therewith.

14.1.3 **Buyer's Acceptance of Actual Floor Plan.** Buyer further understands and acknowledges that many of the Homes to be constructed within the Community require floor plans which are opposite (i.e. flipped) mirror images of the model floor plan and Buyer fully understands and accepts the floor plan configuration for the Home and improvements to be constructed within the Home.

14.1.4 **No Warranty for Plans and Specifications on File.** Buyer further acknowledges and agrees that (1) the plans and specifications of the Home and the Community on file with the applicable governmental authorities may not be identical in detail to Seller's plans and specifications, and (2) because of the day-to-day nature of the changes described in this Section 14, the plans and specifications on file with the applicable governmental authorities may not include some or any of these changes (there being no legal requirement to file all changes with such authorities). As a result of the foregoing, Buyer and Seller both acknowledge and agree that the Home and the Community may not be constructed in accordance with the plans and specifications on file with the applicable governmental authorities. Without limiting the generality of the provisions of Rider B attached hereto, Seller disclaims and Buyer waives any and all express or implied warranties that construction will be accomplished in compliance with such plans and specifications. Seller has not given and Buyer has not relied on or bargained for any such warranties. In furtherance of the foregoing, in the event of any conflict between the actual construction of the Home and/or the Community, and that which is set forth on the plans and specifications, Buyer agrees that the actual construction shall prevail and to accept the Home and Community as actually constructed (in lieu of what is set forth on the plans and specifications).

14.2 **Lot Change.** In the event that Seller, in its sole discretion, determines that the Model of the Home selected under this Agreement cannot reasonably be built on the Homesite, then Buyer and Seller hereby agree that they will negotiate in good faith to relocate the Home to another lot in the Community, provided however that there are lots available for sale. If no replacement lot is available, then Buyer may terminate this Agreement and will be entitled to a refund of any paid Deposit.

14.3 Decorative and Landscaping Items.

14.3.1 Buyer understands and agrees that certain of the finishing items, such as tile, marble, carpet, cabinets, stone, brickwork, wood, paint, stain and mica are subject to size and color variations, grain and quality variations, and may vary in accordance with price, availability and changes by manufacturers from those shown in the model, if any, or in illustrations or brochures or those included in the specifications. Furthermore, if circumstances arise that, in Seller's opinion, warrant changes of subcontractors, suppliers, manufacturers, brand names or items, Seller reserves the right to substitute equipment, materials, appliances, etc., which in Seller's opinion are considered to be of quality substantially similar or equal, or of better quality, subject to their availability. Buyer also understands that Seller has the right to substitute or change materials and/or stain colors utilized in wood decor, if any.

14.3.2 Lot grades, lot area, options, facades, shrubs, trees, trim, built-ins, wall treatments, window treatments, furniture, furnishings, fences, decks, locations of walks, driveways and other items in or about a model home area in the subdivision are for display purposes only and are not included in the Total Purchase Price unless otherwise expressly provided herein. Seller has the right to remove any existing trees on the Property or on the surrounding area for any reason. Buyer further understands and agrees that the following items (which may be seen in models or shown in illustrations) will also not be included with the sale of the Home: wall coverings, paint colors, accent light fixtures, wall ornaments, drapes, blinds, bedspreads, furniture, furnishings, wet bars, monitoring systems, certain built-in fixtures, special floor coverings, wood trim, upgraded items and/or any other items of this nature which may be added or deleted from time to time. This list of items (which is not all-inclusive) is provided as an illustration of the type of items built-in or placed upon models or shown in illustrations strictly for purposes of decoration and example only.

14.4 Deed. By acceptance of the Deed, Buyer accepts all variations of the Home.

15. **Buyer's Default**. In the event of Buyer's default and to the extent allowed by law, Seller shall be entitled to terminate the Agreement and keep, as liquidated damages and not as a penalty, Buyer's Deposit not to exceed fifteen percent (15%) of the Total Purchase Price, except that Seller may, in addition, keep, as liquidated damages and not as a penalty, any and all Advanced Payments made by Buyer to Seller for options, extras or upgrades for which Seller has made contractual commitments or incurred liability by placing orders or otherwise. Buyer agrees that actual damages in the event of breach by Buyer would be costly and difficult to calculate, and that such liquidated damages are a fair and reasonable remedy and shall not be considered a penalty.

16. **Seller's Default**. In the event of Seller's default and to the extent allowed by law, Buyer may recover actual damages but shall not be entitled to special, consequential or punitive damages. Notwithstanding the foregoing, Buyer retains all remedies at law and in equity with respect to Seller's obligation to complete the Home within two (2) years pursuant to Section 9 above.

17. **Mediation / Arbitration of Disputes**.

17.1 The parties to this Agreement specifically agree that this transaction involves interstate commerce and that any Dispute (as hereinafter defined) shall first be submitted to mediation and, if not settled during mediation, shall thereafter be submitted to binding arbitration as provided by the Federal Arbitration Act (9 U.S.C. §§1 et seq.) and not by or in a court of law or equity. "**Disputes**" (whether contract, warranty, tort, statutory or otherwise), shall include, but are not limited to, any and all controversies, disputes or claims (1) arising under, or related to, this Agreement, the Property, the Community or any dealings between Buyer and Seller; (2) arising by virtue of any representations, promises or warranties alleged to have been made by Seller or Seller's representative; (3) relating to personal injury or property damage alleged to have been sustained by Buyer, Buyer's children or other occupants of the Property, or in the Community; or (4) issues of formation, validity or enforceability of this Section. Buyer has executed this Agreement on behalf of his or her children and other occupants of the Property with the intent that all such parties be bound hereby. Any Dispute shall be submitted for binding arbitration within a reasonable time after such Dispute has arisen. Nothing herein shall extend the time period by which a claim or cause of action may be asserted under the applicable statute of limitations or statute of repose, and in no event shall the Dispute be submitted for arbitration after the date when institution of a legal or equitable proceeding based on the underlying claims in such Dispute would be barred by the applicable statute of limitations or statute of repose.

17.2 Any and all mediations commenced by any of the parties to this Agreement shall be filed with and administered by the American Arbitration Association or any successor thereto ("**AAA**") in accordance with the AAA's Home Construction Mediation Procedures in effect on the date of the request. If there are no Home Construction Mediation Procedures currently in effect, then the AAA's Construction Industry Mediation Rules in effect on the date of such request shall be utilized. Any party who will be relying upon an expert report or repair estimate at the mediation shall provide the mediator and the other parties with a copy of the reports. If one or more issues directly or indirectly relate to alleged deficiencies in design, materials or construction, all parties and their experts shall be allowed to inspect, document (by photograph, videotape or otherwise) and test the alleged deficiencies prior to mediation. Unless mutually waived in writing by the parties, submission to mediation is a condition precedent to either party taking further action with regard to any matter covered hereunder.

17.3 If the Dispute is not fully resolved by mediation, the Dispute shall be submitted to binding arbitration and administered by the AAA in accordance with the AAA's Home Construction Arbitration Rules in effect on the date of the request. If there are no Home Construction Arbitration Rules currently in effect, then the AAA's Construction Industry Arbitration Rules in effect on the date of such request shall be utilized. Any judgment upon the award rendered by the arbitrator may be entered in and enforced by any court having jurisdiction over such Dispute. If the claimed amount exceeds \$250,000.00 or includes a demand for punitive damages, the Dispute shall be heard and determined by three arbitrators; however, if mutually agreed to by the parties, then the Dispute shall be heard and determined by one arbitrator. Arbitrators shall have expertise in the area(s) of Dispute, which may include legal expertise if legal issues are involved. All decisions respecting the arbitrability of any Dispute shall be decided by the arbitrator(s). At the request of any party, the award of the arbitrator(s) shall be accompanied by detailed written findings of fact and conclusions of law. Except as may be required by law or for confirmation of an award, neither a party nor an arbitrator may disclose the existence, content, or results of any arbitration hereunder without the prior written consent of both parties.

17.4 The waiver or invalidity of any portion of this Section shall not affect the validity or enforceability of the remaining portions of this Section. Buyer and Seller further agree (1) that any Dispute involving Seller's affiliates, directors, officers, employees and agents shall also be subject to mediation and arbitration as set forth herein, and shall not be pursued in a court of law or equity; (2) that Seller may, at its sole election, include Seller's contractors, subcontractors and suppliers, as well as any warranty company and insurer as parties in the mediation and arbitration; and (3) that the mediation and arbitration will be limited to the parties specified herein.

17.5 To the fullest extent permitted by applicable law, Buyer and Seller agree that no finding or stipulation of fact, no conclusion of law, and no arbitration award in any other arbitration, judicial, or similar proceeding shall be given preclusive or collateral estoppel effect in any arbitration hereunder unless there is mutuality of parties. In addition, Buyer and Seller further agree that no finding or stipulation of fact, no conclusion of law, and no arbitration award in any arbitration hereunder shall be given preclusive or collateral estoppel effect in any other arbitration, judicial, or similar proceeding unless there is mutuality of parties.

17.6 Unless otherwise recoverable by law or statute, each party shall bear its own costs and expenses, including attorneys' fees and paraprofessional fees, for any mediation and arbitration. Notwithstanding the foregoing, if a party unsuccessfully contests the validity or scope of arbitration in a court of law or equity, the noncontesting party shall be awarded reasonable attorneys' fees, paraprofessional fees and expenses incurred in defending such contest, including such fees and costs associated with any appellate proceedings. In addition, if a party fails to abide by the terms of a mediation settlement or arbitration award, the other party shall be awarded reasonable attorneys' fees, paraprofessional fees and expenses incurred in enforcing such settlement or award.

17.7 Buyer may obtain additional information concerning the rules of the AAA by visiting its website at www.adr.org or by writing the AAA at 335 Madison Avenue, New York, New York 10017.

17.8 Seller supports the principles set forth in the Consumer Due Process Protocol developed by the National Consumer Dispute Advisory Committee and agrees to the following:

17.8.1 Notwithstanding the requirements of arbitration stated in Section 17.3 of this Agreement, Buyer shall have the option, after pursuing mediation as provided herein, to seek relief in a small claims court for disputes or claims within the scope of the court's jurisdiction in lieu of proceeding to arbitration. This option does not apply to any appeal from a decision by a small claims court.

17.8.2 Any mediator and associated administrative fees incurred shall be shared equally by Seller and Buyer; however, Seller and Buyer each agree to pay for their own attorneys' fees and costs.

17.8.3 The fees for any claim pursued via arbitration shall be apportioned as provided in the Home Construction Arbitration Rules of the AAA or other applicable rules.

17.9 Notwithstanding the foregoing, if either Seller or Buyer seeks injunctive relief, and not monetary damages, from a court because irreparable damage or harm would otherwise be suffered by either party before mediation or arbitration could be conducted, such actions shall not be interpreted to indicate that either party has waived the right to mediate or arbitrate. The right to mediate and arbitrate should also not be considered waived by the filing of a counterclaim by either party once a claim for injunctive relief had been filed with a court.

17.10 BUYER AND SELLER AGREE THAT THE PARTIES MAY BRING CLAIMS AGAINST THE OTHER ONLY ON AN INDIVIDUAL BASIS AND NOT AS A MEMBER IN ANY PURPORTED CLASS OR REPRESENTATIVE ACTION OR COLLECTIVE PROCEEDING. THE ARBITRATOR(S) MAY NOT CONSOLIDATE OR JOIN CLAIMS REGARDING MORE THAN ONE PROPERTY AND MAY NOT OTHERWISE PRESIDE OVER ANY FORM OF A CONSOLIDATED, REPRESENTATIVE, OR CLASS PROCEEDING. ALSO, THE ARBITRATOR(S) MAY AWARD RELIEF (INCLUDING MONETARY, INJUNCTIVE, AND DECLARATORY RELIEF) ONLY IN FAVOR OF THE INDIVIDUAL PARTY SEEKING RELIEF AND ONLY TO THE EXTENT NECESSARY TO PROVIDE RELIEF NECESSITATED BY THAT PARTY'S INDIVIDUAL CLAIM(S). ANY RELIEF AWARDED CANNOT BE AWARDED ON CLASS-WIDE OR MASS-PARTY BASIS OR OTHERWISE AFFECT PARTIES WHO ARE NOT A PARTY TO THE ARBITRATION. NOTHING IN THE FOREGOING PREVENTS SELLER FROM EXERCISING ITS RIGHT TO INCLUDE IN THE MEDIATION AND ARBITRATION THOSE PERSONS OR ENTITIES REFERRED TO IN SECTION 17.4 ABOVE.

18. **Other Dispute Resolutions.** Notwithstanding the parties' obligation to submit any Dispute to mediation and arbitration, in the event that a particular dispute is not subject to the mediation or the arbitration provisions of Section 17, then the parties agree to the following provisions: **BUYER ACKNOWLEDGES THAT JUSTICE WILL BEST BE SERVED IF ISSUES REGARDING THIS AGREEMENT ARE HEARD BY A JUDGE IN A COURT PROCEEDING, AND NOT A JURY. BUYER AND SELLER AGREE THAT ANY DISPUTE, CLAIM, DEMAND, ACTION, OR CAUSE OF ACTION SHALL BE HEARD BY A JUDGE IN A COURT PROCEEDING AND NOT A JURY. BUYER AND SELLER HEREBY WAIVE THEIR RESPECTIVE RIGHT TO A JURY TRIAL. SELLER HEREBY SUGGESTS THAT BUYER CONTACT AN ATTORNEY OF BUYER'S CHOICE IF BUYER DOES NOT UNDERSTAND THE LEGAL CONSEQUENCES OF EXECUTING THIS AGREEMENT.**

19. **Deed Restriction.** The provisions of Sections 17 and 18 shall be: (i) subject to the survival provisions of Section 31, (ii) covenants running with the land comprising the Property, (iii) set forth as exceptions in the Deed, and (iv) binding upon Buyer and its successors and assigns in title upon Seller's conveyance of the Property to Buyer and recording of the Deed.

20. **Selling Agent, Cooperating Broker, and Seller's New Home Consultant.** Unless the Purchase Price and Payment Addendum attached hereto indicates otherwise, Buyer represents to Seller that Buyer has not consulted, dealt or negotiated with a real estate broker, salesperson or agent other than Seller's sales personnel located at Seller's sales office. Buyer agrees that Seller is not responsible for the payment of a commission to a real estate broker, salesperson or agent other than Seller's sales personnel. Buyer shall indemnify, defend and hold harmless Indemnified Parties from and against any and all Claims resulting from or arising out of any representation or breach of a representation or warranty set forth in this Section. In addition, Buyer acknowledges and understands that Seller's New Home Consultant ("**NHC**") and Internet New Home Consultant ("**INHC**") are employees of Seller, are acting solely for the Seller's interests, and are not acting in any representative capacity for Buyer. Buyer should not disclose any information to Seller's NHC and/or INHC that Buyer considers to be confidential or otherwise does not want disclosed to Seller.

21. **Construction Activities.** ALL OWNERS, OCCUPANTS AND USERS OF THE COMMUNITY ARE HEREBY PLACED ON NOTICE THAT (1) SELLER AND/OR ITS AGENTS, CONTRACTORS, SUBCONTRACTORS, LICENSEES AND OTHER DESIGNEES, AND/OR (2) ANY OTHER PARTIES, WILL BE, FROM TIME TO TIME, CONDUCTING BLASTING, EXCAVATION, CONSTRUCTION AND OTHER ACTIVITIES WITHIN OR IN PROXIMITY TO THE COMMUNITY. BY THE ACCEPTANCE OF THEIR DEED OR OTHER CONVEYANCE OR MORTGAGE, LEASEHOLD, LICENSE OR OTHER INTEREST, AND BY USING ANY PORTION OF THE COMMUNITY, EACH SUCH OWNER, OCCUPANT AND USER AUTOMATICALLY ACKNOWLEDGES, STIPULATES AND AGREES (1) THAT NONE OF THE AFORESAID ACTIVITIES SHALL BE DEEMED NUISANCES OR NOXIOUS OR OFFENSIVE ACTIVITIES, HEREUNDER OR AT LAW GENERALLY, (2) NOT TO ENTER UPON, OR ALLOW THEIR CHILDREN OR OTHER PERSONS UNDER THEIR CONTROL OR DIRECTION TO ENTER UPON (REGARDLESS OF WHETHER SUCH ENTRY IS A TRESPASS OR OTHERWISE) ANY PROPERTY WITHIN OR IN PROXIMITY TO THE AREA OF THE COMMUNITY WHERE SUCH ACTIVITY IS BEING CONDUCTED (EVEN IF NOT BEING ACTIVELY CONDUCTED AT THE TIME OF ENTRY, SUCH AS AT NIGHT OR OTHERWISE DURING NON-WORKING HOURS), (3) TO THE EXTENT PERMITTED OR NOT PROHIBITED UNDER APPLICABLE LAW, SELLER AND THE OTHER AFORESAID RELATED PARTIES SHALL NOT BE LIABLE FOR ANY AND ALL LOSSES, DAMAGES (COMPENSATORY, CONSEQUENTIAL, PUNITIVE OR OTHERWISE), INJURIES OR DEATHS ARISING FROM OR RELATING TO THE AFORESAID ACTIVITIES, EXCEPT RESULTING DIRECTLY FROM SELLER'S GROSS NEGLIGENCE OR WILLFUL MISCONDUCT, (4) ANY PURCHASE OR USE OF ANY PORTION OF THE COMMUNITY HAS BEEN AND WILL BE MADE WITH FULL KNOWLEDGE OF THE FOREGOING AND (5) THIS ACKNOWLEDGMENT AND AGREEMENT IS A MATERIAL INDUCEMENT TO SELL, CONVEY, AND/OR ALLOW THE

USE OF THE PROPERTY.

22. Dangerous Condition; Construction Work.

22.1 Buyer understands and agrees that the Property is a construction site and that the Property and the improvements, equipment and supplies thereon constitute a danger to those who may enter on the Property. Buyer shall not enter onto the Property prior to Closing unless authorized and accompanied by Seller's representative. Any unauthorized, unaccompanied entry by Buyer shall constitute a breach of this Agreement by Buyer, at Seller's election. Moreover, any entry by Buyer onto the Property prior to Closing shall be done at Buyer's own risk and in compliance with all federal, state and local safety laws and regulations. To the extent permitted or not prohibited by applicable law, Buyer waives, releases and shall indemnify, defend and hold harmless Indemnified Parties from and against any Claims made by Buyer, Buyer's family members or guests, as a direct or indirect result of any such unauthorized, unaccompanied entry onto the Property.

22.2 Buyer agrees that supervision and direction of the working forces, including, without limitation, all contractors and subcontractors, is to be done exclusively by Seller, and Buyer agrees not to issue any instructions to the working forces or otherwise hinder construction or installation of improvements on the Property. Buyer shall not do or have any work done on the Property, nor may Buyer store any possessions thereon, prior to Closing and transfer of title to the Property to Buyer.

22.3 Buyer agrees that any and all controversies, disputes and claims arising under this Section shall be resolved through mediation or binding arbitration in accordance with the terms of this Agreement.

23. **Natural Disasters.** Seller builds homes to the building code in effect at the time the building permit is applied for Buyer's Home. Building code requirements do not guarantee a home can or will withstand the impacts of a natural disaster; including but not limited to earthquake, forest fire, tornado, hurricane, flood, and avalanche. Seller cannot guarantee the home, its structure or features will not be impacted by a natural disaster. Buyer should review their applicable homeowner's and/or flood insurance policy(s) and consult their insurance professional for additional information. Buyer is urged to follow the advice and direction from local emergency management officials regarding a natural disaster.

Buyer understands and agrees to accept the risks and conditions of natural disasters and to assume all liabilities associated with them. By executing and delivering this Agreement and Closing, Buyer shall be deemed to have released Seller and Seller's affiliates, and their respective officers, directors, managers, members, shareholders, employees, and agents, from any and all liability or claims resulting from all matters disclosed or disclaimed in this Paragraph, including, without limitation, any liability for incidental or consequential damages which may result from, without limitation, inconvenience, displacement, property damage, personal injury and/or death to or suffered by Buyer or any of its family members, occupants, guests, tenants, invitees and/or pets and any other person or pet.

24. **Representation of Compliance with OFAC Regulations.** Buyer represents and warrants that Buyer is not barred from doing business with U.S. entities pursuant to the U.S. Department of Treasury's Office of Foreign Asset Control ("**OFAC**"), including OFAC's Specially-Designated-Nationals ("**SDN**") list and lists of known or suspected terrorist organizations. If Seller identifies or is informed that Buyer is a valid match for OFAC's SDN list, then this Agreement is void, and Seller shall cancel and revoke this Agreement immediately. In the event of cancellation or revocation of this Agreement under this provision, Seller shall immediately contact OFAC to report the transaction and to determine whether deposit money provided by Buyer, if any, should be returned or blocked, consistent with OFAC regulations.

25. **Agreement not to be Recorded.** Buyer covenants that Buyer shall not record this Agreement (or any memorandum thereof) in the Public Records of the County. Buyer agrees, if Buyer records this Agreement, to pay all of Seller's attorneys' fees, paraprofessional fees and expenses incurred in removing the cloud in title caused by such recordation. Seller's rights under this Section shall be in addition to Seller's remedies for Buyer's default provided elsewhere in this Agreement.

26. **Transfer, Assignment and Persons Bound.** Buyer agrees that Buyer will not, and does not have the right to, assign, sell or transfer Buyer's interest in this Agreement (whether voluntarily or by operation of law or otherwise) without Seller's prior written consent. If Buyer is a corporation, other business entity, trustee or nominee, a transfer of any material equity or beneficial or principal interest shall constitute an assignment of this Agreement. If Buyer attempts to assign this Agreement in violation of this Section, Seller can declare Buyer in default and Seller shall be entitled to all remedies available under this Agreement. Buyer agrees that Seller may withhold its consent with or without any reason or condition in any manner it chooses (if it gives it at all) and may charge Buyer a reasonable amount to cover administrative costs incurred in considering whether or not to grant consent. If Buyer dies or in any way loses legal control of his/her affairs, this Agreement will bind his/her heirs and legal representatives. If Buyer has received Seller's permission to assign or transfer this Agreement, then Buyer's approved assignees shall be bound by the terms of this Agreement. If more than one person signs this Agreement as Buyer, each such person shall be jointly and severally liable for full performance of all of Buyer's duties and obligations hereunder.

27. **Time of the Essence.** Buyer acknowledges that time is of the essence in connection with the transactions contemplated under this Agreement.

28. **Interpretation and Computation of Time.** The use of the masculine gender in this Agreement shall be deemed to refer to the feminine or neuter gender, and the singular shall include the plural, and vice versa, whenever the context so requires. This Agreement reflects the negotiated agreement of the parties. Each party acknowledges that they have been afforded the opportunity to seek competent legal counsel, and each has made an informed choice as to whether or not to be represented by legal counsel. Accordingly, this Agreement shall be construed as if both parties jointly prepared it, and no presumption against one party or the other shall govern the interpretation or construction of any of the provisions of this Agreement. Any reference in this Agreement to the time periods of less than five (5) days shall, in the computation thereof, exclude Saturdays, Sundays and legal holidays. Any reference in this Agreement to time periods of five (5) days or more shall, in computation thereof, include Saturdays, Sundays and legal holidays. If the last day of any such period is a Saturday, Sunday or legal holiday, the period shall be extended to 5:00 p.m. on the next full business day. The section headings in this Agreement are for convenience only and shall not affect the meaning, interpretation or scope of the provisions which follow them.

29. **Notice.** Except as provided in the Closing Section of this Agreement with respect to notices of the scheduled Closing Date, any

Storey Grove [REDACTED]

notice required or permitted to be given in connection with this Agreement shall be in writing and sent by United States certified mail with return receipt requested, overnight professional courier or electronic transmission (with confirmation and copy by (1) certified mail, if Buyer's address is within the United States or (2) overnight professional courier, if to a Buyer whose address is outside of the United States) to Buyer or Seller at the addresses on Page 2 of this Agreement (unless Seller has received written notice from Buyer of any change therein prior to the date such notice is given), and additionally to Seller by hand delivery at Seller's sales office. All notices shall only be effective upon receipt or refusal to accept receipt (by failure to accept delivery or otherwise).

30. **Waiver.** Seller's waiver of any of its rights or remedies shall not operate to waive any other of Seller's rights or remedies or to prevent Seller from enforcing the waived right or remedy in another instance.

31. **Survival.** Buyer and Seller specifically agree that notwithstanding anything to the contrary, the rights and obligations as set forth in all provisions and disclaimers in this Agreement shall survive (1) the Closing of the purchase of the Property; (2) the termination of this Agreement by either party; or (3) the default of this Agreement by either party, unless expressly stated otherwise. NOTWITHSTANDING THE FOREGOING, UPON CLOSING ALL CONTRACTED SERVICES TO BE PERFORMED UNDER THIS AGREEMENT BY SELLER SHALL BE DEEMED COMPLETED AND FULLY PERFORMED, AND THIS AGREEMENT SHALL BE DEEMED COMPLETED, WITHIN THE MEANING OF FLORIDA STATUTES § 95.11(3)(C). IN ADDITION, ALL PAYMENTS, INCLUDING, BUT NOT LIMITED TO, BUYER'S FINAL PAYMENT, TO SELLER FOR ALL CONTRACTED SERVICES ARE DUE ON OR BEFORE THE CLOSING DATE, AND CONTRACTED SERVICES SHALL NOT INCLUDE ANY CORRECTIONS OF DEFECTS OR DEFICIENCIES IN THE HOME, PUNCH LIST WORK, OR WARRANTY WORK.

32. **Incorporation and Severability.** The explanations and disclaimers set forth in the Documents are incorporated into this Agreement. In the event that any clause or provision of this Agreement shall be void or unenforceable, such clause or provision shall be deemed deleted so that the balance of this Agreement is enforceable.

33. **Governing Law.** Any disputes that develop under this Agreement or questions regarding the interpretation of this Agreement will be settled according to the law of the state where the Property is located to the extent federal law is not applicable.

34. **Entire Agreement.** BUYER CERTIFIES THAT BUYER HAS READ EVERY PROVISION OF THIS AGREEMENT, WHICH INCLUDES EACH RIDER AND ADDENDUM ATTACHED HERETO AND THAT THIS AGREEMENT, TOGETHER WITH EACH SUCH RIDER AND ADDENDUM, CONSTITUTES THE ENTIRE AGREEMENT BETWEEN BUYER AND SELLER. PRIOR AGREEMENTS, REPRESENTATIONS, UNDERSTANDINGS, AND ORAL STATEMENTS NOT REFLECTED IN THIS AGREEMENT HAVE NO EFFECT AND ARE NOT BINDING ON SELLER. BUYER ACKNOWLEDGES THAT BUYER HAS NOT RELIED ON ANY REPRESENTATIONS, NEWSPAPERS, RADIO OR TELEVISION ADVERTISEMENTS, WARRANTIES, STATEMENTS, OR ESTIMATES OF ANY NATURE WHATSOEVER, WHETHER WRITTEN OR ORAL, MADE BY SELLER, SALES PERSONS, AGENTS, OFFICERS, EMPLOYEES, COOPERATING BROKERS (IF ANY) OR OTHERWISE EXCEPT AS HEREIN SPECIFICALLY REPRESENTED. BUYER HAS BASED HIS/HER/THEIR DECISION TO PURCHASE THE PROPERTY ON PERSONAL INVESTIGATION, OBSERVATION AND THE DOCUMENTS.

35. **Modification.** This Agreement is the entire agreement for the sale and purchase of the Property and once it is signed by both Buyer and an authorized representative of Seller, it can only be amended by a written agreement signed by both Buyer and Seller.

36. **Additional Changes.** Notwithstanding Section 35 of this Agreement, Buyer agrees that it may be necessary (at any time and from time to time) after Buyer executes this Agreement for Seller, and/or the developer or declarant under the Documents, to change the terms and provisions of this Agreement and/or the Documents to comply with and conform to the rules and regulations (as same may exist and as same may be promulgated from time to time) of any governmental agency, subdivision or authority or court of competent jurisdiction and Buyer consents to all such changes. Notwithstanding Section 35 of this Agreement, Seller, and/or the developer or declarant under the Documents, shall have the right to amend all Documents for development or other purposes, and Buyer consents to all such amendments.

37. **Inducement.** Buyer acknowledges that the sole inducement to close on the purchase of the Property is the Property itself and not (1) the common facilities comprising part of the Community, if any, or (2) any expectation that the Property will increase in value.

38. **Reservation of Easement.** For the purpose of completing the construction and servicing of the Property and Community, Seller hereby reserves an easement of ingress and egress for itself and its successors and assigns, and each of their respective agents, employees, materialmen and subcontractors, over, under and upon the Property for a period of one (1) year after Closing. Seller shall provide reasonable notice to Buyer before exercising easement rights granted herein.

Storey Grove [REDACTED]

39. **Riders and Addenda.** This Agreement consists of 12 pages and the following Riders and Addenda, which are attached hereto and by this reference made a part of this Agreement.

Check ([X]) all that apply:

- Rider A (Florida)
- Rider B (Central Florida Division)
- Purchase Price and Payment Addendum
- Master Disclosure and Information Addendum
- Affiliated Business Arrangement Disclosure Statement*
- Election Form Addendum
- Insulation Addendum
- Indoor Environmental Quality Disclosure
- Addendum for Natural and Manmade Products
- Sales Incentive Addendum
- HUD Receipt for Property Report [OPTIONAL]
- Change Order Addendum/Amendment or Option Summary
- Disclosure Summary
- Community Development District Brochure
- Cooperating Broker Agreement
- FHA/VA Addendum
- Out of State Non-Solicitation Addendum (Multi-State)
- Out of State Non-Solicitation Addendum (New York)
- Out of State Non-Solicitation Addendum (New Jersey)
- Out of State Non-Solicitation Addendum (Puerto Rico)
- Approved Lender Addendum [OPTIONAL]
- Privacy Policy Notice Addendum
- Stucco/Cementitious Finish to Exterior Walls Disclosure
- N/A

*On 04/15/2023 Seller provided to Buyer an Affiliated Business Arrangement Disclosure Statement ("ABAD") that sets forth Seller's business relationships with affiliated settlement service providers, including but not limited to, Lennar Mortgage, LLC, Lennar Title Inc. Lennar Insurance Agency, LLC and their respective types of charges and range of charges; Buyer acknowledges and confirms receipt of the previously delivered ABAD on 04/15/2023.

40. **Offer to Purchase/Effective Date.** This Agreement, when executed by Buyer and delivered to Seller, together with the Initial Deposit specified hereunder, shall constitute an offer by Buyer to purchase the Property in accordance with the terms and conditions provided herein, and shall not be binding upon Seller until such time as an authorized representative of Seller has executed this Agreement. The date of such acceptance is the "Effective Date" of this Agreement. In the event Buyer's offer is not accepted by Seller, all paid Deposits made by Buyer to Seller to date shall be returned to Buyer, and Buyer's offer shall be deemed withdrawn.

41. **Counterparts and Signatures.** This Agreement may be executed in any number of counterparts, a complete set of which shall be deemed to be an original and a complete set of which shall comprise but a single instrument. Signatures may be given via electronic transmission and shall be deemed given as of the date and time of the transmission of this Agreement to the other party.

42. **DISTRICT.** Pursuant to Section 190.048 of Florida Statutes, Seller provides the following notice. **THE N/A COMMUNITY DEVELOPMENT DISTRICT MAY IMPOSE AND LEVY TAXES OR ASSESSMENTS, OR BOTH TAXES AND ASSESSMENTS, ON THIS PROPERTY. THESE TAXES AND ASSESSMENTS PAY THE CONSTRUCTION, OPERATION, AND MAINTENANCE COSTS OF CERTAIN PUBLIC FACILITIES AND SERVICES OF THE DISTRICT AND ARE SET ANNUALLY BY THE GOVERNING BOARD OF THE DISTRICT. THESE TAXES AND ASSESSMENTS ARE IN ADDITION TO COUNTY AND OTHER LOCAL GOVERNMENTAL TAXES AND ASSESSMENTS AND ALL OTHER TAXES AND ASSESSMENTS PROVIDED FOR BY LAW.**

THE INITIAL DEPOSIT HAS BEEN RECEIVED BY SELLER SUBJECT TO CLEARANCE.

SELLER: LENNAR HOMES LLC

DocuSigned by: Fang Cook
New Home Consultant
Date: 4/19/2023

THIS AGREEMENT IS NOT BINDING ON SELLER UNTIL ACCEPTED BELOW BY AN AUTHORIZED REPRESENTATIVE OF SELLER.

SELLER: LENNAR HOMES LLC

By: Fang Cook
Title: Authorized Representative
Date Signed by Seller: 4/19/2023

DocuSigned by: Zhiming Xu
Buyer - Zhiming Xu
Date: 4/15/2023

DocuSigned by: Tao Li
Buyer - Tao Li
Date: 4/15/2023

Buyer -
Date

Buyer -
Date

PRIVACY POLICY NOTICE ADDENDUM

THIS PRIVACY POLICY NOTICE ADDENDUM (this "**Addendum**") is, by this reference, made part of the Purchase and Sale Agreement (the "**Agreement**") dated as of the fifteenth day of April, 2023 between Zhiming Xu, Tao Li (collectively, "**Buyer**") and Seller, as defined in the Agreement, respecting Lot 5400 of Block _____ of Storey Grove Subdivision/Plat/Condominium in the community known as Storey Grove 50 (the "**Community**").

1. **Defined Terms.** All initially capitalized terms not defined herein shall have the meanings set forth in the Agreement, and all references in this Addendum to the Agreement shall be deemed to include references to this Addendum and to any other addenda and riders attached to the Agreement, which are hereby incorporated by this reference. Notwithstanding the foregoing or anything contained in the Agreement to the contrary, for the exclusive purpose of this Addendum, "**Lennar Affiliate(s)**" shall have the meaning set forth in the Privacy Policy Summary attached hereto as **Exhibit "A"** ("**Privacy Policy Summary**").

2. **Explanation.** Buyer may need a mortgage, homeowners' insurance, title insurance and/or settlement services in connection with the purchase of the Home. While Buyer is not required to use a Lennar Affiliate to purchase such services, they are available to assist with obtaining these services in connection with the purchase of the Home. This Addendum provides Buyer with the option of electing to receive marketing materials, including price quotes, for services that may be necessary in connection with the purchase of the new Home. It is entirely Buyer's choice whether to receive any such information, and there is no obligation to use any Lennar Affiliate.

3. **Privacy Summary.** Buyer acknowledges that Buyer has received and reviewed Seller's Privacy Policy Summary and has been given the opportunity to review Seller's complete Privacy Policy at <https://www.lennar.com/privacypolicy>, or on request. Buyer hereby accepts the Privacy Policy and acknowledges that the Privacy Policy is subject to future amendment.

4. **Privacy Selections.** Please choose the "Yes" or "No" options below to indicate whether Buyer wishes to share information with Lennar Affiliates (such as those involved in the home purchasing process, e.g., Lennar Mortgage, LLC, Lennar Title, Inc., CalAtlantic Title, LLC and Lennar Insurance Agency, LLC). If there is more than one Buyer, the choices selected on the Addendum will apply to all Buyers who have executed the Addendum.

<p>YES</p> <p>_____</p>	<p>NO</p> <p>_____ X</p>	<p>Affiliate Information Sharing: Agreeing to this option will allow the Lennar Affiliates to provide Buyer with offers and information about products and services that may be necessary in connection with the home-buying process by accessing and using Buyer's personal information. These services include providing the Buyer with home financing information and quotes for title insurance, closing services and homeowner's insurance.</p>
--------------------------------	--	---

Buyer may change the above selections (i.e., opt-out if Buyer has previously selected "YES", or opt-in, if Buyer has previously selected "NO") at any time by visiting www.lennar.com/contact/communicationpreferences and making the appropriate selections in the manner prescribed in the form, or as otherwise described in the current Privacy Policy.

5. **Counterparts.** This Addendum shall be validly executed when signed in counterpart; a complete set of which shall form a single document. Signatures may be given via electronic transmission and shall be deemed original and given as of the date and time of the transmission of this Addendum electronically to the other party.

6. **Conflicts.** In the event of any conflict between this Addendum and the Agreement, this Addendum shall control. In all other respects, the Agreement shall remain in full force and effect.

7. **Entire Agreement.** The Agreement, together with this Addendum and any other addenda and riders to the Agreement, contains the entire agreement between Buyer and Seller concerning the matters set forth herein. No addition or modification of this Addendum or the Agreement shall be effective unless set forth in writing and signed by Buyer and an authorized representative of Seller.

DocuSigned by:
Zhiming Xu
CAC82958661D489...
Buyer - Zhiming Xu
Date 4/15/2023

DocuSigned by:
Tao Li
11401E632A194E7...
Buyer - Tao Li
Date 4/15/2023

Buyer -
Date _____

Buyer -
Date _____

SELLER:
LENNAR HOMES LLC
a _____

DocuSigned by:
Fang Cook
2438AB35D207457...
By: _____
Title: Authorized Representative Fang Cook
Date Signed by Seller: 4/19/2023

EXHIBIT "A"**PRIVACY POLICY SUMMARY**

This Privacy Policy Summary summarizes certain terms of the Privacy Policy of Lennar Corporation ("Privacy Policy") and our affiliated companies (collectively, "Lennar," "we," "us," "our") collect, use and disclose personal information about visitors to our websites, users of our mobile applications, people we meet in person or by phone, our customers and prospective customers, and others whose personal information we collect and retain ("you," "your," or "our"). Please review the full text of our Privacy Policy at <https://www.lennar.com/privacypolicy>, or contact us as explained below.

Lennar Affiliates include (among others) Lennar Corporation and all affiliated companies, including but not limited to: the Quarterra Multifamily Communities, LLC, Lennar Commercial, Lennar International, LLC, CalAtlantic Group, LLC, Lennar Mortgage, LLC, CalAtlantic Mortgage, Inc., Lennar Sales Corp., North American Title Insurance Company, LLC, Lennar Title, Inc., Lennar Title, LLC, Lennar Title Group, LLC, Lennar Closing Services, CalAtlantic Title, LLC, CalAtlantic National Title Solutions, LLC, Five Point Communities, WCI Communities, LLC, and Lennar Insurance Agency, LLC (collectively "Lennar Affiliates").

You consent to the terms of our Privacy Policy when you use our online services or provide your personal information to us after receiving this Privacy Policy Summary and an opportunity to review our complete [Privacy Policy](#).

"Personal information" refers to information that identifies you or relates to you as an identifiable individual (such as your name, email address, government-issued identification numbers, Internet Protocol address); consumer information (e.g., telephone number; credit card and bank account numbers); commercial activity records (e.g., credit reports, purchasing history, other Lennar transactions); internet browsing history and other online usage; and geolocation data. Personal information may also include information that does not identify you directly if it is combined with other information in a way that enables you to be identified (such as age, gender, profession, zip code, IP address, mobile device ID, and geolocation data).

Lennar Affiliates use Personal Information for the business and commercial purposes summarized below, but our use of your information is subject to the terms of the Privacy Policy; any specific terms applicable to the services or products you request; your instructions to us that limit the use of certain information when you exercise an "opt-in" or "opt-out" or "unsubscribe" option we provide; and/or the requirements of applicable law. Subject to those limitations, Lennar may use your personal information in the following ways:

1. Establish, maintain, and service customer accounts; provide customer service; provide financing, title, insurance or other home-purchase related services through Lennar Affiliates, engage in advertising, marketing, and online analytic services.
2. Process payment information for transactions with Lennar (although we will not retain your credit card information).
3. Requesting feedback on the customer's experience and offering products and services in the future.
4. Maintain records of our customers' needs, preferences and interests so that we may assist customers to identify properties and services provided by Lennar and letting them know about services or promotions that may be of interest to them (which may in some cases be provided by Lennar Affiliates or Business Associates), including by email, mail, telephone, or SMS text message. These are marketing messages and you are able to control whether you receive them. To learn how you can choose to stop receiving some or all of these messages, see the section titled "Opt-In/Opt-Out Procedures."
5. Undertake activities to maintain the quality of Lennar products and services and to improve, upgrade, and enhance those products and services.
6. Manage our online services to maintain functionality, improve service, detect and prevent malicious activity.
7. Develop demographic information for statistical and market research and other strategic marketing purposes.
8. Permit third party advertisers and ad servers to deliver Lennar advertisements to you on other websites you visit as explained herein. This includes, for example, verifying positioning and quality of ad impressions, and auditing compliance with marketing specifications and standards. If you prefer not to receive this form of advertising, see "How We Use and How You Can Limit Use of Cookies and Interest-Based Advertising."
9. Market our products and services through our websites, e-mail messaging, online advertising, and offline means.
10. Manage our contractual relations, protect our business interests, enforce our terms and conditions (<https://www.lennar.com/termsandconditions>).
11. Comply with applicable law and legal process.
12. Undertake a major business transaction subject to appropriate confidentiality protections.

We share or permit access to personal information to our "Service Providers" and "Business Associates" (collectively, "Third Parties"). Service Providers assist us with administrative, technology, data storage, e-mail

services, marketing, and other business operations and may not sell or use personal information from these services for their own purposes. Business Associates are unaffiliated companies we may collaborate with in the homebuilding process or who offer products and services for the home or Community. Business Associates may use personal information for their own commercial purposes, such as marketing products and services related to your new home and may provide monetary or other consideration for access to personal information. When information is sold or exchanged for value, the Third Parties may use the personal information for their own direct marketing or other commercial purposes.

The chart below shows the categories of personal information Lennar disclosed for a business purpose to Service Providers or sold/exchanged with Third Parties during the past 12 months.

Categories of Personal Information Collected in Past 12 Months	Sources	Availability to Lennar Affiliates; Sale/Exchange with Business Associates; Your Opt-in or Opt-out Rights*
Contact information: name, postal address, email address, and telephone number	<ul style="list-style-type: none"> o Your request for information (online or offline) o Your application for home purchase, mortgage, insurance, or other transaction o Lennar Affiliate o Business Associates o Marketing research services 	<p>Lennar Affiliates* with prior affirmative consent to use for customer lead generation, direct marketing; market research services;</p> <p>Business Associates for customer lead generation, direct marketing; market research services**</p>
Personal identifiers: Social security number, government-issued identification number, driver's license and passport number	<ul style="list-style-type: none"> o Your application for home purchase, mortgage, insurance, or other transaction information 	Not shared with Lennar Affiliates or any Third Parties
Consumer information: Credit/debit card and bank or other financial account numbers	You (as necessary to complete a transaction)	Not shared with Lennar Affiliates or any Third Parties
Commercial information: o Credit reports, purchasing history, public real estate and lien records o Lennar Affiliate transaction history, transaction contract and closing document information.	<ul style="list-style-type: none"> o Credit reporting agencies o Public records o Lennar Affiliates 	<ul style="list-style-type: none"> o Shared with Lennar Affiliates* with your consent; o Not shared with Business Associates

<p>Other financial information: income, assets, liabilities, salary and employer information.</p>	<ul style="list-style-type: none"> o Your application for home purchase, mortgage, insurance, or other transaction o Lennar Affiliate 	<ul style="list-style-type: none"> o Shared with Lennar Affiliates* with your consent o Not shared with Business Associates
<p>Internet and other electronic network activity:</p> <ul style="list-style-type: none"> o Internet protocol address, mobile device identifier o Browsing history o Interactions with our websites (such as photos and comments you post) 	<ul style="list-style-type: none"> o Cookies and other internet tracking technologies used on our websites and myLennar Account o E-mail messages 	<p>Website analytics and online advertising services that collect website data***</p>
<p>Geolocation data</p>	<ul style="list-style-type: none"> o Your IP address and mobile device identifier o Specific location data you provide 	<p>Business Associates for lead generation, direct marketing and market research services</p>
<p>Interested Buyer or Home-Buyer Profile: name, email and/or street address, new home and location interests and preferences; new street address, Lennar community, gender, family members, details about your home purchase, and anticipated closing date; blog comments; photos</p>	<ul style="list-style-type: none"> o You o Your social media accounts if you provide access** 	<p>May be shared with Lennar Affiliates and Business Associates for lead generation, direct marketing and market research services</p> <p>Opt-out at: https://www.lennar.com/contact/CommunicationPreferences or by e-mail at privacyinfo@lennar.com</p>

*You may change your selection at any time at <https://www.lennar.com/contact/CommunicationPreferences> or by contacting as explained below. You cannot opt-out of disclosures to Service Providers because they perform business services on behalf of Lennar Affiliates and do not use personal information for their own commercial purposes.

**Business Associates and social media sites are responsible for their own privacy practices, which should be described in their privacy policies and accessible from their marketing communications, websites, or mobile applications.

***You can restrict the automated collection of your online usage data and receipt of personalized ads by managing the preference settings on your browser or device.

Other reasons for sharing personal information.

Except as otherwise provided in this Privacy Policy, we may share or disclose personal information to other third parties for the following reasons:

- o To third parties to whom you or authorize us to disclose your personal information.
- o To enforce our contracts and the Terms and Conditions applicable to the use of the Websites.
- o To fulfill your requests including connecting with your social media accounts.
- o To comply with laws or valid legal process and in response to appropriate governmental requests.
- o As we deem reasonably necessary to investigate, prevent or take other appropriate action in connection with potential illegal or fraudulent activities or potential risk to the personal safety of any individual or the security of your personal information.
- o As we deem reasonably necessary to in connection with a major business transaction subject to appropriate confidentiality protections.

Information Sharing with Lennar Affiliates - Your Privacy Rights Under the Fair Credit Reporting Act

Under Federal law, we are permitted to share information about our own transactions and experiences with you with Lennar Affiliates. However, federal law gives you the right to limit our ability to share information about your

creditworthiness or for marketing purposes with Lennar Affiliates.

Notice of Your Ability to Limit Sharing of Creditworthiness Information with Lennar Affiliates. Information about your creditworthiness includes, for example, your income, assets, and other liabilities that you provide to us or that we obtain from a consumer credit report. We will not share your information about your creditworthiness with Lennar Affiliates.

Notice of Your Choice to Limit Marketing by Lennar Affiliates. You may limit Lennar Affiliates, such as our mortgage lender or broker and insurance affiliates, from marketing their products or services to you based on personal information that we collect from you and share with them. The types of information we might share with Lennar Affiliates for their marketing purposes include your income, account history, and credit history. You can limit marketing offers from Lennar Affiliates, by visiting <https://www.lennar.com/contact/CommunicationPreferences> or contacting us by e-mail at privacyinfo@lennar.com. You may change your selections at any time by visiting that webpage.

Opt-In / Opt-Out Procedures

In the process of purchasing a Lennar home, you may be interested in receiving information about a variety of related products and services including, but not limited to, home loan, title and homeowner's insurance, security services, and community resource such as telecommunications services and local merchants. When you provide us with your contact information, you will be asked to consent to authorize us to share your personal information with Lennar Affiliates and/or Business Associates to market services relating to the purchase of a home to you. You may change your selection at any time by visiting: <https://www.lennar.com/contact/CommunicationPreferences>.

(Note that you cannot opt-out of disclosures to Service Providers because they perform business services on behalf of Lennar and do not use personal information for their own commercial purposes). If you would like to restrict the automated collection of your personal information while using our websites, mobile apps, and other online services ("Online Services"), see the section titled, "How We Use and How You Can Limit Cookies and Interest-Based."

How We Use and How You Can Limit Cookies and Interest-Based Advertising

We use cookies and similar technologies on our Online Services all as more particularly provided in the Privacy Policy. We may engage third parties, such as Google Analytics, to collect activity and usage data. To learn more about how Google collects and processes data and the choices Google may offer to control these activities, you may visit: <http://www.google.com/intl/en/policies/privacy/partners/>. We may use third-party advertising companies to serve ads when you visit our Online Services all as provided in the Privacy Policy.

Protecting and Retention of Personal Information

Lennar maintains administrative, technical and physical safeguards to protect the security, confidentiality, and integrity of your personal information appropriate to the nature of the personal information we collect. While the measures we implement are intended to reduce the likelihood of security problems, we cannot guarantee that these measures will prevent unauthorized access to your personal information. We retain personal information for as long as we reasonably require it for legal or business purposes.

Rights of California Residents - This section applies only to residents of the State of California. California Consumers have the rights described at: <https://www.lennar.com/privacypolicy#ForCaliforniaConsumers>. The rights of California consumers include (among others):

- o To direct Lennar Affiliates not to sell their personal information to others ("Right to Opt-Out");
- o To know what personal information Lennar Affiliates collected, sold, or disclosed about the consumer or the consumer's household during the last twelve (12) months; and
- o To request that Lennar delete personal information that Lennar has collected, subject to a range of exclusions permitted by law.

Right to Opt-Out. California consumers have the right to direct a business not to sell their personal information to others ("Right to Opt-Out"). You can exercise your Right to Opt-Out by submitting the webform: <https://www.lennar.com/contact/CommunicationPreferences>. You may also exercise your Right to Opt-Out by contacting us as described below. Our webform provides several options. You may opt-out of all sales of your personal information regardless of the purpose or category of third party involved. Or, you may opt-in to allow only sales to Lennar Affiliates and/or Business Associates to permit them to market their products and services to you.

Nevada residents may opt-out of the sale of personal information by contacting us as explained below.

Contact us with your questions about this Privacy Policy or our privacy practices or to change opt-in or opt-out preferences:

By email:	privacyinfo@lennar.com
By phone:	1-800-532-6993
Online Preferences webform:	https://www.lennar.com/contact/CommunicationPreferences
By postal mail:	5505 Blue Lagoon Drive, Miami, FL 33126 (Attn: Privacy Compliance Dept.)

Storey Grove [REDACTED]

PURCHASE PRICE AND PAYMENT ADDENDUM

Buyer(s) Name: Zhiming Xu, Tao Li
 Date of Agreement: 04/15/2023
 Community: Storey Grove 50 Lot/Block: [REDACTED] /
 Address: [REDACTED] Winter Garden FL 34787
 Plan/Elevation: Simmitano / J Garage Orientation Preference: Left Right
 Phase/Section: Job#/Unit Type/Model#: 7116725400
 Started (Y/N): Y Stage: 02
 Estimated Start Date: 04/06/2023
 NHC: Fang Cook ISC:
 Agreement Type: Primary Secondary Investment
 Select One: New Agreement Transfer Revised Agreement -- Revision #:

BUYER(S) INFORMATION

Buyer #1: Zhiming Xu (check one): Married Single
 Buyer #1 Existing Address: [REDACTED] Winter Garden FL / US 34787
 Home Phone: Office Phone: Cellular Phone: [REDACTED]
 Email: [REDACTED]@gmail.com
 Buyer #2: Tao Li (check one): Married Single
 Buyer #2 Existing Address: [REDACTED] Winter Garden FL / US 34787
 Home Phone: Office Phone: Cellular Phone: [REDACTED]
 Email: [REDACTED]@gmail.com
 Buyer #3: (check one): Married Single
 Buyer #3 Existing Address:
 Home Phone: Office Phone: Cellular Phone:
 Email:
 Buyer #4: (check one): Married Single
 Buyer #4 Existing Address:
 Home Phone: Office Phone: Cellular Phone:
 Email:

PURCHASE PRICE AND PAYMENTS

PURCHASE PRICE:

Base Purchase Price: \$ 582,490.00
 Add: Homesite Premium: \$ 16,000.00
 Add: Options, Upgrades and Extras per Change Order Summary: \$ 15,010.00
Total Purchase Price: \$ 613,500.00

PAYMENTS:

Initial Deposit Check# \$ 30,675.00
Additional Deposit
 Due _____ Received _____ Check# \$.00
 Due _____ Received _____ Check# \$.00
 Due _____ Received _____ Check# \$.00
 Due _____ Received _____ Check# \$.00
Advanced Payment for Options, Extras and/or Upgrades
 Due _____ Received _____ Check# \$.00
 Due _____ Received _____ Check# \$.00
Total Payments: \$ 30,675.00
Amount to be financed or paid by wire transfer of immediately available funds at closing (approximate) \$ 582,825.00

(Total Purchase Price less total payments does not include FHA Funding Fee, VA Funding Fee, MIP, PMI, closing costs, pre-paids, homeowner insurance, prorated expenses, Builder's Fee, homeowners association fees and other fees).

CLOSING COSTS, PRE-PAIDS AND OTHER FEES:

Seller Assistance toward Settlement (subject to contribution limits and Lender approval, as applicable): \$ 15,000.00
 Buyer's closing costs, pre-paids and other fees associated with the purchase of the Home are described in the Rider B. If Buyer obtains financing for the Home, Buyer's closing costs, pre-paids and other fees associated with the financing of the Home are described in the Loan Estimate provided by the Lender.

WARRANTY INFORMATION

LEN 210 5/2/12
 *Or other comparable warranty

Storey Grove [REDACTED]

FINANCING AND BROKER INFORMATION

Select One: Cash Conventional FHA VA OTHER:

Lender: HomeTown Lenders Phone #: 407-508-0973

Address: 1000 Legion PL, Suite 800, Orlando, FL 32801 Fax #: .

Agent Name: Rose Gibb Cellular #: [REDACTED]

Email Address: [REDACTED]@htlenders.com

Broker Participation? Yes No

Agent/Company: Tao Li / TOPSKY REALTY INC

Street Address: 7901 4th Street North, Suite 300

City, State Zip: St. Petersburg, FL 33702

Phone #: [REDACTED] Email Address: [REDACTED]@gmail.com

Fax #:

Sales Associate License No.: 3524036

Broker Tax ID#: 92-1748957 Broker Commission: \$.00 or 3.00 % of Total Purchase Price less Seller Assistance if any.

Additional Broker Bonus/Incentive: \$.00

Defined Terms. All initially capitalized terms not defined herein shall have the meanings set forth in the Purchase and Sale Agreement between Buyer and Seller dated as of the fifteenth day of April, 2023 (the "Agreement"), and all references in this Addendum to the Agreement shall be deemed to include references to this Addendum and to any other addenda and riders attached to the Agreement, which are hereby incorporated by this reference.

Counterparts. This Addendum shall be validly executed when signed in counterpart; a complete set of which shall form a single document. Signatures may be given via electronic transmission and shall be deemed original and given as of the date and time of the transmission of this Addendum electronically to the other party.


Conflicts. In the event of any conflict between this Addendum and the Agreement, this Addendum shall control. In all other respects, the Agreement shall remain in full force and effect.

Defined Terms. All initially capitalized terms not defined herein shall have the meanings set forth in the Purchase and Sale Agreement between Buyer and Seller dated as of the fifteenth day of April, 2023 (the "Agreement"), and all references in this Addendum to the Agreement shall be deemed to include references to this Addendum and to any other addenda and riders attached to the Agreement, which are hereby incorporated by this reference.

Counterparts. This Addendum shall be validly executed when signed in counterpart; a complete set of which shall form a single document. Signatures may be given via electronic transmission and shall be deemed original and given as of the date and time of the transmission of this Addendum electronically to the other party.

Conflicts. In the event of any conflict between this Addendum and the Agreement, this Addendum shall control. In all other respects, the Agreement shall remain in full force and effect.

Entire Agreement. The Agreement, together with this Addendum and any other addenda and riders to the Agreement, contains the entire agreement between Buyer and Seller concerning the matters set forth herein. No addition or modification of this Addendum or the Agreement shall be effective unless set forth in writing and signed by Buyer and an authorized representative of Seller.

DocuSigned by:

CAC02956A81D498...
Buyer - Zhiming Xu
Date 4/15/2023

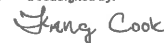
DocuSigned by:

11401E832A194E7...
Buyer - Tao Li
Date 4/15/2023

Buyer -
Date

Buyer -
Date

SELLER:
LENNAR HOMES LLC
a

DocuSigned by:

2638835D707457...
By Fang Cook
Title: Authorized Representative
Date Signed by Seller: 4/19/2023

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

YIFAN SHEN, an individual,
ZHIMING XU, an individual, XINXI
WANG, an individual, YONGXIN
LIU, an individual, and MULTI-
CHOICE REALTY LLC, a limited
liability corporation,

Plaintiffs,

v.

Case No. 4:23-cv-208-AW-MAF

ASHLEY MOODY, in her official
capacity as Attorney General of the
State of Florida, WILTON SIMPSON,
in his official capacity as
Commissioner of Agriculture for the
Florida Department of Agriculture and
Consumer Affairs, MEREDITH IVEY,
in her official capacity as Acting
Secretary of the Florida Department of
Economic Opportunity, PATRICIA
FITZGERALD, in her official capacity
as Chair of the Florida Real Estate
Commission, R.J. LARIZZA, in his
official capacity as State Attorney for
the 7th Judicial Circuit, MONIQUE
WORRELL, in her official capacity as
State Attorney for the 9th Judicial
Circuit, KATHERINE RUNDLE, in her
official capacity as State Attorney for
the 11th Judicial Circuit,

Defendants.

DECLARATION OF XINXI WANG

I, Xinxi Wang, hereby declare as follows:

1. I am a plaintiff in the above-captioned action, and I make this declaration in support of Plaintiffs' Motion for a Preliminary Injunction, filed concurrently herewith. I have personal knowledge of the facts stated in this declaration, and if called to testify in this matter, I could and would competently testify to the facts contained herein.

A. Personal Background

2. I am a 29-year-old woman of Asian descent and Chinese ethnicity.
3. I am a citizen of the People's Republic of China.
4. I am neither a member of the Chinese government nor a member of the Chinese Communist Party.
5. I have lived in the United States since August 2017.
6. I am neither a United States citizen nor a permanent resident of the United States.
7. I currently have permission to stay and live in the United States as a holder of a valid F-1 visa, which is a nonimmigrant visa for international students.
8. I have not applied for permanent residency status in the United States.
9. I have lived in Florida since August 2017. Except for some recreational travel, I have continuously lived in Florida for the past five years.
10. In Florida, I live with my one-year daughter, who is a U.S. Citizen.
11. I am currently pursuing my Ph.D. degree in earth systems science at a university in Miami. My studies are focused on improving the ability to forecast hazardous weather formed from the ocean. In particular, the goal of my academic work is to help residents of coastal regions, especially people in Florida, survive coastal hazards, such as the landfalling of hurricanes, flooding, and extreme winds that can otherwise threaten the lives and health of coastal communities and habitats.

B. Property Interests in Florida

12. I am a homeowner; I own my current residence in Miami, Florida, where I have lived for more than five years.

13. The driving distance between my home and my lab at the university is only about ten minutes, which is one of the things I love about my current home.

C. Irreparable Harm Caused by Florida's New Alien Land Law

14. I learned about the new Florida law, which is the subject of this lawsuit, from people I know, as well as from news and media reports. I have read the new law, read articles about it, and discussed it with others to try to understand what it means.

15. Based on my understanding, two independent provisions of Florida's New Alien Land Law require me to register my current property with the Florida Department of Economic Opportunity because I am Chinese. One provision requires me to register because I own real estate in Florida and am from China. A second provision, which applies to people from China and six other countries, requires me to register because my property appears to be located within ten miles of a critical infrastructure facility.

16. These registration requirements are burdensome, discriminatory, and stigmatizing to me. I am very worried that this registration will be used to target me, discriminate against me, monitor me, and generally harass me as a Chinese homeowner.

17. I came to the United States to pursue education and opportunity offered in this country, but now I feel I am being targeted by the law simply because where I came from, my ancestry, and my alienage status. The law stigmatizes me and wrongly treats me as suspicious because I am Chinese, which is extremely distressing to me.

18. Before the new Florida law was passed, I had already experienced incidents of racial discrimination in Florida against me just because I am Chinese.

I am very fearful that my daughter and I will be subject to worsening racial hatred in Florida because the new law singles out Chinese people.

19. I am also very worried about my future ability to make another property purchase in Florida, even to move within the state by selling my current home and buying a new home in Florida. Even though the new law contains an exception allowing certain people to purchase one residential property up to two acres in size and not within five miles of a military installation, that exception does not apply to me as someone who currently owns real estate in Florida—and it is unclear if it would apply even if I were to sell my existing property. In addition, even if I become eligible for the exception after selling my current property, the new law is very unclear about the areas where I can legally purchase a home in Florida without risking criminal prosecution. It is extremely difficult to understand where I can safely purchase a property in the state because the definitions of “critical infrastructure” and “military installation” are ambiguous and very broad. I am very fearful that I could inadvertently purchase a home that violates the law and could be arrested and charged with a felony. If I were convicted, I could face up to five years in prison and a fine of \$5,000, plus immigration consequences. On top of that, the property could be forfeited.

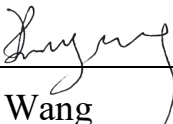
20. Relatedly, I am also very worried that I will be discriminated against by future sellers and real estate agents if I sell my current property and seek to purchase another home, because of their fear of the risk of violating the law and because I am Chinese. I believe that my search for real estate will be more costly, time-consuming, and burdensome under the new law because I am Chinese. The new law will cast a cloud of suspicion over me as a Chinese person.

21. With respect to the possible criminal sanctions for violating the law, even inadvertently, I am very worried about the impact that being incarcerated could have on my life. Not only would being incarcerated deprive me of my freedom and basic liberties, but it would interrupt my income, derail my academic

studies, and would certainly harm my family, especially, my daughter, who is only one-year old. I am also worried about the immigration consequences if I am criminally convicted and jailed.

I declare under penalty of perjury under the laws of the United States and the State of Florida that the foregoing is true and correct.

Executed this fourth day of June, 2023.



Xinxi Wang

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

YIFAN SHEN, an individual,
ZHIMING XU, an individual, XINXI
WANG, an individual, YONGXIN
LIU, an individual, and MULTI-
CHOICE REALTY LLC, a limited
liability corporation,

Plaintiffs,

v.

ASHLEY MOODY, in her official
capacity as Attorney General of the
State of Florida, WILTON SIMPSON,
in his official capacity as
Commissioner of Agriculture for the
Florida Department of Agriculture and
Consumer Affairs, MEREDITH IVEY,
in her official capacity as Acting
Secretary of the Florida Department of
Economic Opportunity, PATRICIA
FITZGERALD, in her official capacity
as Chair of the Florida Real Estate
Commission, R.J. LARIZZA, in his
official capacity as State Attorney for
the 7th Judicial Circuit, MONIQUE
WORRELL, in her official capacity as
State Attorney for the 9th Judicial
Circuit, KATHERINE RUNDLE, in her
official capacity as State Attorney for
the 11th Judicial Circuit,

Defendants.

Case No. 4:23-cv-208-AW-MAF

DECLARATION OF YONGXIN LIU

I, Yongxin Liu, hereby declare as follows:

1. I am a plaintiff in the above-captioned action, and I make this declaration in support of Plaintiffs' Motion for a Preliminary Injunction, filed concurrently herewith. I have personal knowledge of the facts stated in this declaration, and if called to testify in this matter, I could and would competently testify to the facts contained herein.

A. Personal Background

2. I am a 34-year-old man of Asian descent and Chinese ethnicity.
3. I am a native-born citizen of the People's Republic of China.
4. I am neither a member of the Chinese government nor a member of the Chinese Communist Party.
5. I have lived in the United States since August 2018.
6. I am neither a United States citizen nor a permanent resident of the United States.
7. I currently have permission to stay and live in the United States as a holder of a valid H-1B visa, which is a nonimmigrant worker visa.
8. I have not yet applied for permanent residency status in the United States, but I plan to do so and my hope is to remain in the United States.
9. I have lived in Florida since August 2018. Except for a nine-month period of time from August 2021 to May 2022, I have continuously lived in Florida for the past year and for a period of three years prior to that.
10. I am an assistant professor at a Florida university in the field of data science. I teach both undergraduate and graduate-level science courses, as well as courses on cybersecurity. I also conduct research, with the majority of my work focusing on fundamental technologies of interconnected domain of artificial intelligence and information security.
11. I am also part of the Institute of Electrical and Electronics Engineers

(IEEE), which is a prestigious global technical professional organization dedicated to advancing technology for the benefit of humanity. IEEE has chapters in Florida, and I am an active senior member.

B. Property Interests in Florida

12. I am a homeowner; I own my current residence in Daytona Beach, Florida, where I have lived for about nine months.

13. I am currently planning to purchase a second property in Pelican Bay, Florida as an investment property and vacation home for myself and my parents.

C. Irreparable Harm to Me Caused by Florida's New Alien Land Law

14. I am aware that Senate Bill 264 (hereinafter, "Florida's New Alien Land Law") was recently passed in Florida and signed into law on May 8, 2023, which is the subject of this lawsuit. I learned about the new law from people I know, as well as from news and media reports. I have read the new law, read articles about it, and discussed it with others to try to understand what it means.

15. Based on my understanding, two independent provisions of Florida's New Alien Land Law require me to register my current property with the Florida Department of Economic Opportunity because I am Chinese. One provision requires me to register because I own real estate in Florida and am from China. A second provision, which applies to people from China and six other countries, requires me to register because my property appears to be located within ten miles of a critical infrastructure facility.

16. These registration requirements are burdensome, discriminatory, and stigmatizing to me. I am very worried that this registration will be used to target me, discriminate against me, monitor me, and generally harass me as a Chinese homeowner.

17. I feel that as a Chinese person, I have been singled out and targeted by the law simply because of where I came from, my ancestry, and my alienage

status. The law stigmatizes me and wrongly treats me as suspicious because I am Chinese, which is extremely distressing to me.

18. Based on my understanding, Florida's New Alien Land Law will also prohibit me from purchasing the second property in Pelican Bay, Florida, that I planned to use as an investment property and vacation home for myself and my parents because I am Chinese. Because I currently own real estate in Florida and am from China, the law prohibits me from purchasing any additional property in the state after July 1, 2023, so I will be forced to abandon my planned purchase. I am extremely distressed at the prospect of never being able to purchase additional property in Florida.

19. In recent years, Chinese immigrants and Asian Americans in general have become targets of racial hatred and violence because of the rising tension between the United States and China. In the academic field, numerous Chinese American professors and scientists have been subject to unfair investigations and prosecutions by the federal government because of unfounded suspicion of illegitimate ties with the Chinese government. I fear that the new law in Florida will fan the flames of racial hatred against Chinese immigrants and Asian Americans in general.

20. I am also very worried about my future ability to make another property purchase in Florida, even to move within the state by selling my current home and buying a new home in Florida. Even though the new law contains an exception allowing certain people to purchase one residential property up to two acres in size and not within five miles of a military installation, that exception does not apply to me as someone who currently owns real estate in Florida—and it is unclear if it would apply even if I were to sell my existing property. In addition, even if I become eligible for the exception after selling my current property, the new law is very unclear about the areas where I can legally purchase a home in Florida without risking criminal prosecution. It is extremely difficult to

understand where I can safely purchase a property in the state because the definitions of “critical infrastructure” and “military installation” are ambiguous and very broad. I am very fearful that I could inadvertently purchase a home that violates the law and could be arrested and charged with a felony. If I were convicted, I could face up to five years in prison and a fine of \$5,000, plus immigration consequences. On top of that, the property could be forfeited.

21. Relatedly, I am also very worried that I will be discriminated against by future sellers and real estate agents if I sell my property and seek to purchase another home, because of their fear of the risk of violating the law and because I am Chinese. I believe that my search for real estate will be more costly, time-consuming, and burdensome under the new law because I am Chinese. The new law will cast a cloud of suspicion over me as a Chinese person.

22. With respect to the possible criminal sanctions for violating the law, even inadvertently, I am very worried about the impact that being incarcerated could have on my life. Not only would being incarcerated deprive me of my freedom and basic liberties, but it would interrupt my income and destroy my career in academia.

I declare under penalty of perjury under the laws of the United States and the State of Florida that the foregoing is true and correct.

Executed this 5th day of June, 2023.



Yongxin Liu

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

YIFAN SHEN, an individual,
ZHIMING XU, an individual, XINXI
WANG, an individual, YONGXIN
LIU, an individual, and MULTI-
CHOICE REALTY LLC, a limited
liability corporation,

Plaintiffs,

v.

ASHLEY MOODY, in her official
capacity as Attorney General of the
State of Florida, WILTON SIMPSON,
in his official capacity as
Commissioner of Agriculture for the
Florida Department of Agriculture and
Consumer Affairs, MEREDITH IVEY,
in her official capacity as Acting
Secretary of the Florida Department of
Economic Opportunity, PATRICIA
FITZGERALD, in her official capacity
as Chair of the Florida Real Estate
Commission, R.J. LARIZZA, in his
official capacity as State Attorney for
the 7th Judicial Circuit, MONIQUE
WORRELL, in her official capacity as
State Attorney for the 9th Judicial
Circuit, KATHERINE RUNDLE, in her
official capacity as State Attorney for
the 11th Judicial Circuit,

Defendants.

Case No. 4:23-cv-208-AW-MAF

DECLARATION OF JIAN SONG

I, Jian Song, hereby declare as follows:

1. I am authorized on behalf of Multi-Choice Realty, LLC (“Multi-Choice Realty”), a plaintiff in the above-captioned action, to make this declaration in support of Plaintiffs’ Motion for a Preliminary Injunction, filed concurrently herewith. I have personal knowledge of the facts stated in this declaration, and if called to testify in this matter, I could and would competently testify to the facts contained herein.

2. I am a naturalized citizen of the United States and have lived in Florida for the past 11 years with my wife and two children.

3. Multi-Choice Realty is a limited liability company organized under the laws of the State of Florida with its principal place of business in Clermont, Florida. It was first registered in Florida in 2009.

4. Multi-Choice Realty is a privately held company owned by my wife and me. I am also the manager of Multi-Choice Realty.

5. Multi-Choice Realty is licensed real estate brokerage firm that primarily serves Chinese-speaking clients in the United States, China, and Canada.

6. Multi-Choice Realty has approximately 14 employees, including real estate agents, on its payroll. I am very proud of being a small business owner in Florida and creating local jobs in my community.

7. Multi-Choice Realty is not owned or controlled by the Chinese government or the Chinese Communist Party.

8. I am neither a member of the Chinese government nor a member of the Chinese Communist Party.

9. In 2022, Multi-Choice Realty was involved in 74 real estate acquisitions. The majority of these acquisitions were for clients who were Chinese or Chinese American.

10. I am aware that Senate Bill 264 was recently passed in Florida and signed into law on May 8, 2023. SB 264 contains a new law, which is the subject of this lawsuit (hereinafter, “Florida’s New Alien Land Law”). I learned about the new law from people I know, as well as from news and media reports. I have read the new law, read articles about it, and discussed it with others to try to understand what it means.

11. Based on my understanding, Florida’s New Alien Land Law will directly impact Multi-Choice Realty’s existing customers, as well as many of its potential clients. In particular, it will impact Multi-Choice Realty’s Chinese customers who are neither citizens nor permanent residents of the United States.

12. As to those customers who already own real estate in Florida, the new law will require them to register their properties with the Florida Department of Economic Opportunity, and it will prohibit them from purchasing additional property. In addition, if any of those customers are interested in selling their properties, the new law will impose restrictions on who can and cannot buy that property in Florida. If any of those customers were to sell to someone in violation of the new law, they could be arrested and charged with a misdemeanor. If convicted, they could face up to one year in prison and a fine of \$1,000, plus immigration consequences. Likewise, my company could be exposed to the same criminal culpability for facilitating, that is, “aiding and abetting” such a sale, which could implicate not only my wife and me as co-owners, but also the real estate agents on our payroll.

13. With respect to Multi-Choice Realty’s potential Chinese customers who are neither citizens nor permanent residents of the United States, but who are interested in purchasing real estate in Florida, the new law will severely restrict them from making such a purchase after July 1, 2023. Even though the new law contains an exception allowing certain people to purchase one residential property

up to two acres in size and not within five miles of a military installation, that exception is very narrow. In addition, even for customers who may be eligible for the exception, the new law is unclear about the areas where they can legally purchase a home in Florida without risking criminal prosecution. It is extremely difficult to understand where Multi-Choice Realty's clients can safely purchase a property in the state because the definitions of "critical infrastructure" and "military installation" are ambiguous and very broad. I am very fearful that one of our clients could inadvertently purchase a home that violates the law and could be arrested and charged with a felony. If they were convicted, they could face up to five years in prison and a fine of \$5,000, plus immigration consequences. On top of that, the property could be forfeited. In addition, my company could be exposed to the same criminal liability for "aiding and abetting" such a purchase, which could implicate not only my wife and me as co-owners, but the people on our payroll. With respect to the possible criminal sanctions for violating the law, even inadvertently, I am very worried about the potential impact on my business.

14. Ultimately, as a result of the new law, Multi-Choice Realty stands to lose an estimated 25 percent of its business. These losses will reflect the fact that Multi-Choice Realty will not be able to facilitate real estate transactions that would close after July 1, 2023, for some of its existing customers who are searching for properties to purchase, and will not be able to represent new customers in future transactions that are now barred under Florida's New Alien Land Law.

15. If the law goes into effect, I expect that Multi-Choice Realty will immediately lose prospective customers and income. In the time since the new law was signed by Governor DeSantis on May 8, 2023, the number of inquiries from prospective buyers have decreased substantially, as compared to this time last year.

I declare under penalty of perjury under the laws of the United States and the State of Florida that the foregoing is true and correct.

Executed this 5th day of June, 2023.

/s/ Jian Song

Jian Song

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

YIFAN SHEN, *et al.*,

Plaintiffs,

v.

WILTON SIMPSON, *etc., et al.*,

Defendants.

Case No. 4:23-cv-208

DECLARATION OF KELIANG ZHU

I, Keliang Zhu, hereby declare as follows:

1. I am an attorney, duly licensed to practice law in the State of California and my motion for *pro hac vice* admission is pending before this Court. I am an attorney at DeHeng Law Offices PC, counsel of record for Plaintiffs in the above-captioned action. I make this declaration in support of Plaintiffs' Motion for Preliminary Injunction, filed concurrently herewith. I have personal knowledge of the facts set forth in this declaration, and if called as a witness, I could and would competently testify thereto.

Statements to the Press & Via Social Media

2. The following materials relate to statements made on or about September 22, 2022:

a. **Exhibit 1**: A true and correct copy of a press release, dated

September 22, 2022, titled “Governor Ron DeSantis Counteracts Malign Influence by China and Other Hostile Nations in Florida through New Action,” available at <https://www.flgov.com/2022/09/22/governor-ron-desantis-counteracts-malign-influence-by-china-and-other-hostile-nations-in-florida-through-new-action/>.

b. **Exhibit 2**: A true and correct copy of an announcement, released on September 22, 2022, titled “Stop CCP Influence,” available at <https://www.flgov.com/wp-content/uploads/2022/09/9.22-Stop-CCP-Influence.pdf>.

c. **Exhibit 3**: A transcript of portions of a video recording of remarks made by Florida Governor Ron DeSantis at press conference on September 22, 2022, titled “Governor’s Press Conference on Restrictions Against Foreign Countries.” The complete video recording is available at <https://thefloridachannel.org/videos/9-22-22-governors-press-conference-on-restrictions-against-foreign-countries/>. The transcript is of the following portions of the video recording, which are identified herein by their timestamps: 06:29 to 06:58, 11:16 to 12:39, 12:48 to 13:11, and 13:27 to 14:01.

3. The following materials relate to statements made on or about December 9, 2022:

a. **Exhibit 4**: A true and correct copy of a press release, dated December 9, 2022, titled “Senator Jay Collins Teams Up With Agriculture Commissioner-Elect Wilton Simpson and Rep. David Borrero to Restrict Foreign Control of Florida Agriculture Land and Land Surrounding Military Bases,” available at <https://www.flsenate.gov/Media/PressRelease/Show/4378>.

b. **Exhibit 5**: A true and correct copy of a news article published by Florida’s Voice, dated December 9, 2022, titled “Agriculture Commissioner-Elect Wilton Simpson Announces Plan to Ban Foreign Control of Florida Land,” available at <https://flvoicenews.com/wilton-simpson-foreign/>.

c. **Exhibit 6**: A true and correct copy of a news article, published by Fox 13 News, dated December 9, 2022, titled “Florida’s new agricultural commissioner wants to ban foreign agricultural land sales,” available at <https://www.fox13news.com/news/floridas-new-agriculture-commissioner-wants-to-ban-foreign-ag-land-sales>. The news article quotes statements made by Florida Commissioner Wilton Simpson which were also recorded on video; the video recording corresponding to the news article is available on the foregoing webpage.

d. **Exhibit 7**: A true and correct copy of a statement made by

Florida Senator Jay Collins via his verified Twitter account, @JayCollinsFL, on December 9, 2022 at 2:29 p.m., available at <https://twitter.com/JayCollinsFL/status/1601313013772210178>.

4. The following materials relate to statements on or about January 10, 2023:

a. **Exhibit 8**: A transcript of portions of a video recording of remarks by Florida Governor Ron DeSantis at a press conference on January 10, 2023, titled “Governor’s Press Conference on Conservation.” The complete video recording of the press conference is available at

<https://thefloridachannel.org/videos/1-10-23-governors-press-conference-on-conservation/>. The transcript is of the following portions of the video recording, which are identified herein by their timestamps: 38:55 to 40:17.

5. The following materials relate to statements made on or about February 7, 2023:

a. **Exhibit 9**: A true and correct copy of a news article published by Florida’s Voice, dated February 7, 2022, titled “Agriculture commissioner’s agenda includes protecting farmland, defending Second Amendment,” available at <https://flvoicenews.com/agriculture-commissioner-agenda-includes-protecting-farmland-defending-second->

amendment/.

6. The following materials relate to statements on or about March 3, 2023:

a. **Exhibit 10**: A true and correct copy of a statement made by Florida Senator Jay Collins via his verified Twitter account, @JayCollinsFL, on March 3, 2023 at 1:53 p.m., available at <https://twitter.com/JayCollinsFL/status/1631744564485652484>.

b. **Exhibit 11**: A true and correct copy of a statement made by Florida Commissioner of Agriculture Wilton Simpson via his verified Twitter account, @WiltonSimpson, on March 3, 2023 at 3:55 p.m., available at <https://twitter.com/WiltonSimpson/status/1631775058241699842>.

7. The following materials relate to statements made on or about March 7, 2023:

a. A video recording of the joint legislative session of the Florida Senate and Florida House of Representatives for Florida Governor Ron DeSantis's "State of the State Address" is available at <https://www.myfloridahouse.gov/VideoPlayer.aspx?eventID=8536>.

b. **Exhibit 12**: A true and correct copy of a press release, dated March 7, 2023, titled "Governor Ron DeSantis Delivers State of the State Address," available at <https://www.flgov.com/2023/03/07/governor-ron->

desantis-delivers-state-of-the-state-address/.

c. **Exhibit 13**: A true and correct copy of a statement made by Florida Senator Jay Collins via his verified Twitter account, @JayCollinsFL, on March 7, 2023 at 12:20 p.m., available at <https://twitter.com/JayCollinsFL/status/1633170801607188487>.

8. The following materials relate to statements made on or about March 7, 2023:

a. **Exhibit 14**: A true and correct copy of a statement made by Florida Commissioner of Agriculture Wilton Simpson via his verified Twitter account, @WiltonSimpson, on March 15, 2023 at 10:22 a.m., available at <https://twitter.com/WiltonSimpson/status/1636025075622182912>.

9. The following materials relate to statements on or about April 11, 2023:

a. **Exhibit 15**: A true and correct copy of a statement made by Florida Senator Jay Collins via his verified Twitter account, @JayCollinsFL, on April 11, 2023 at 4:41 p.m., available at <https://twitter.com/JayCollinsFL/status/1645904817515290625>.

b. **Exhibit 16**: A true and correct copy of a statement made by Florida Commissioner of Agriculture Wilton Simpson via his verified

Twitter account, @WiltonSimpson, on April 11, 2023 at 6:30 p.m., which is available at <https://twitter.com/WiltonSimpson/status/1645932382577467392>.

c. **Exhibit 17**: A transcript of portions of a video recording of an interview by Fox Business News on April 11, 2023 of Florida Senator Jay Collins by reporter Jackie DeAngelis, available at <https://www.foxbusiness.com/video/6324622889112>.

10. The following materials relate to statements on or about April 12, 2023:

a. **Exhibit 18**: A true and correct copy of a statement made by Florida Senator Jay Collins via his verified Twitter account, @JayCollinsFL, on April 12, 2023 at 8:19 a.m., available at <https://twitter.com/JayCollinsFL/status/1646140972672090118>.

11. The following materials relate to statements on or about May 5, 2023:

a. **Exhibit 19**: A true and correct copy of a press release dated May 5, 2023, titled “Governor Ron DeSantis Celebrates Historic Success During the 2023 Legislative Session,” available on the Florida Governor’s website at <https://www.flgov.com/2023/05/05/governor-ron-desantis-celebrates-historic-success-during-the-2023-legislative-session/>.

12. The following materials relate to statements on or about May 5, 2023:

a. **Exhibit 20**: A true and correct copy of a statement made by Florida Governor via his verified Twitter account, @GovRonDeSantis, on May 6, 2023 at 9:00 a.m., available at <https://twitter.com/GovRonDeSantis/status/1654848502378422273?cxt=HwWgoDT1b78mfctAAAA>.

13. The following materials relate to statements on or about May 8, 2023:

a. **Exhibit 21**: A true and correct copy of a press release dated May 8, 2023, titled “Governor Ron DeSantis Cracks Down on Communist China,” available on the Florida Governor’s website at <https://www.flgov.com/2023/05/08/governor-ron-desantis-cracks-down-on-communist-china/>.

d. **Exhibit 22**: A true and correct copy of an announcement released on May 8, 2023, titled “Stop CCP Influence,” which is available on the Florida Governor’s website at <https://www.flgov.com/wp-content/uploads/2023/05/Stop-CCP-Influence-2023.pdf>.

e. **Exhibit 23**: A transcript of portions of a video recording of remarks by Florida Governor Ron DeSantis, Florida Commissioner of Agriculture Wilton Simpson, Florida Senator Jay Collins, Florida House Representative David Borrero, and others at a press conference on May 8, 2023, titled “Signing of Foreign Entities Legislation.” The full video

recording of press conference is available on the website of the Florida government-access channel at <https://thefloridachannel.org/videos/5-8-23-signing-of-foreign-entities-legislation/>. The transcript is of the following portions of the video recording: 07:13 to 07:24, 09:02 to 09:53, 10:43 to 12:04, 15:27 to 15:39, 17:08 to 17:52, 24:04 to 25:31, 31:28 to 31:50, 32:09 to 34:01, and 37:58 to 39:09.

f. **Exhibit 24**: A true and correct copy of a statement made by Florida Governor via his verified Twitter account, @GovRonDeSantis, on May 8, 2023 at 10:18 a.m., available at <https://twitter.com/GovRonDeSantis/status/1655593116806569984?cxt=HwWgICzveDK7PktAAAA>.

g. **Exhibit 25**: A true and correct copy of a statement made by Florida Governor via his verified Twitter account, @GovRonDeSantis, on May 8, 2023 at 11:00 a.m., available at <https://twitter.com/GovRonDeSantis/status/1655603599102078976?cxt=HwWgMCz1fOs8fktAAAA>.

h. **Exhibit 26**: A true and correct copy of a statement made by Florida Commissioner of Agriculture Wilton Simpson via his verified Twitter account, @WiltonSimpson, on May 8, 2023 at 12:56 p.m., available at

https://twitter.com/WiltonSimpson/status/1655632709929033738?cxt=HHwWIICznbDL_vktAAAA.

i. **Exhibit 27**: A true and correct copy of a statement made by Florida Governor via his verified Twitter account, @GovRonDeSantis, on May 8, 2023 at 4:31 p.m., available at https://twitter.com/GovRonDeSantis/status/1655686919588659200?cxt=HHwWgIC-1eWel_otAAAA.

j. **Exhibit 28**: A true and correct copy of a statement by Florida House Representative David Borrero, made via his verified Twitter account, @DavidBorreroFL, on May 8, 2023 at 6:01 p.m., available at <https://twitter.com/DavidBorreroFL/status/1655709438152417282?cxt=HHwWhICxhca9ofotAAAA>.

14. The following materials relate to statements on or about May 9, 2023:

a. **Exhibit 29**: A true and correct copy of a statement by Florida Senator Jay Collins, made via his verified Twitter account, @JayCollinsFL, on May 9, 2023 at 4:23 p.m., available at https://twitter.com/JayCollinsFL/status/1656047213204652056?cxt=HHwWsIC2pdKKu_stAAAA.

Legislative Materials

15. **Exhibit 30** is a true and correct copy of a summary of the Bill History

of Senate Bill 264 (“SB 264”), available at <https://www.flsenate.gov/Session/Bill/2023/264/ByCategory/?Tab=BillHistory>.

16. The following materials relate to legislative activities on or about March 2, 2023:

a. **Exhibit 31** is a true and correct copy of the Original Filed version of SB 264, which was filed on or about March 2, 2023, available at <https://flsenate.gov/Session/Bill/2023/264/BillText/Filed/PDF>.

17. The following materials relate to legislative activities on or about March 13, 2023:

a. **Exhibit 32**: A true and correct copy of a pre-meeting document, dated March 13, 2023, prepared by the Judiciary Committee of the Florida Senate, titled “Bill Analysis and Fiscal Impact Statement,” available at <https://www.flsenate.gov/Session/Bill/2023/264/Analyses/2023s00264.pre.ju.PDF>.

b. **Exhibit 33**: A true and correct copy of proposed amendments to SB 264, number 606852, filed on March 13, 2023, available at <https://www.flsenate.gov/Session/Bill/2023/264/Amendment/606852/PDF>.

c. **Exhibit 34**: A true and correct copy of proposed amendments to SB 264, number 647298, filed on March 13, 2023, available at <https://www.flsenate.gov/Session/Bill/2023/264/Amendment/647298/PDF>.

18. The following materials relate to legislative activities on or about March 14, 2023:

a. A video recording of the meeting of the Judiciary Committee of the Florida Senate that took place on March 14, 2023 is available at https://www.flsenate.gov/media/videoplayer?EventID=1_zc8d1g0v-202303141600&Redirect=true.

b. **Exhibit 35**: A true and correct copy of meeting document, dated March 14, 2023, titled “Committee Vote Record,” available at <https://www.flsenate.gov/Session/Bill/2023/264/Vote/2023-03-14%200400PM~S00264%20Vote%20Record.PDF>.

c. **Exhibit 36**: A true and correct copy of a post-meeting document, dated March 14, 2023, prepared by the Judiciary Committee of the Florida, Senate, titled “Bill Analysis and Fiscal Impact Statement,” available at <https://www.flsenate.gov/Session/Bill/2023/264/Analyses/2023s00264.ju.PDF>.

19. The following materials relate to legislative activities on or about March 15, 2023:

a. **Exhibit 37**: A true and correct copy of the First Committee Substitute of Senate Bill 264 (“CS/SB 264”), which replaced the prior

version of SB 264 on or about March 15, 2023, available at <https://flsenate.gov/Session/Bill/2023/264/BillText/c1/PDF>.

20. The following materials relate to legislative activities on or about March 21, 2023:

a. **Exhibit 38**: A true and correct copy of a pre-meeting document prepared by the Rules Committee of the Florida Senate, titled “Bill Analysis and Fiscal Impact Statement,” dated March, 21, 2023, available on Florida Senate website at <https://www.flsenate.gov/Session/Bill/2023/264/Analyses/2023s00264.pre.r.c.PDF>.

b. **Exhibit 39**: A true and correct copy of proposed amendments to CS/SB 264, number 833514, filed on March 21, 2023, available at <https://www.flsenate.gov/Session/Bill/2023/264/Amendment/833514/PDF>.

21. The following materials relate to legislative activities on or about March 22, 2023:

a. A video recording of the meeting of the Rules Committee of the Florida Senate that took place on March 22, 2023 is available at https://www.flsenate.gov/media/videoplayer?EventID=1_nty0d3lq-202303220830&Redirect=true.

b. **Exhibit 40**: A true and correct copy of meeting document, dated

March 22, 2023, titled “Committee Vote Record,” available at <https://www.flsenate.gov/Session/Bill/2023/264/Vote/2023-03-22%200830AM~S00264%20Vote%20Record.PDF>.

c. **Exhibit 41**: A true and correct copy of a post-meeting document, dated March 22, 2023, prepared by the Rules Committee of the Florida Senate, titled “Bill Analysis and Fiscal Impact Statement,” available at <https://www.flsenate.gov/Session/Bill/2023/264/Analyses/2023s00264.rc.PDF>.

22. The following materials relate to legislative activities on or about March 23, 2023:

a. **Exhibit 42**: A true and correct copy of the Second Committee Substitute of Senate Bill 264 (“CS/CS/SB 264”), which replaced the prior version of CS/SB 264 on or about March 23, 2023, available at <https://flsenate.gov/Session/Bill/2023/264/BillText/c2/PDF>.

23. The following materials relate to legislative activities on or about April 10, 2023:

a. **Exhibit 43**: A true and correct copy of proposed amendments to CS/CS/SB 264, number 708856, filed on April 10, 2023, available at <https://www.flsenate.gov/Session/Bill/2023/264/Amendment/708856/PDF>.

b. **Exhibit 44**: A true and correct copy of proposed amendments to CS/CS/SB 264, number 415792, filed on April 10, 2023, available at <https://www.flsenate.gov/Session/Bill/2023/264/Amendment/415792/PDF>.

24. The following materials relate to legislative activities on or about April 11, 2023:

a. A video recording of the Florida Senate legislative session that took place on April 11, 2023 is available at <https://thefloridachannel.org/videos/4-11-23-senate-session/>.

b. **Exhibit 45**: A true and correct copy of a document from the Florida Senate’s legislative session on April 11, 2023, titled “CS/CS/SB 264 Third Reading,” available at https://www.flsenate.gov/Session/Bill/2023/264/Vote/SenateVote_s00264c2010.PDF.

c. **Exhibit 46**: A true and correct copy of the First Engrossed version of Senate Bill 264 (“CS/CS/SB 264 1st Eng.”), which replaced the prior version CS/CS/SB 264 on April 11, 2023 and is available at <https://flsenate.gov/Session/Bill/2023/264/BillText/e1/PDF>.

25. The following materials relate to legislative activities on or about April 27, 2023:

a. **Exhibit 47**: A true and correct copy of proposed amendments

to CS/CS/SB 264 1st Eng., number 510709, filed on or about April 27, 2023,
available at
<https://www.flsenate.gov/Session/Bill/2023/264/Amendment/510709/PDF>.

26. The following materials relate to legislative activities on or about April 30, 2023:

a. **Exhibit 48**: A true and correct copy of proposed amendments to amendment number 510709 to CS/CS/SB 264 1st Eng., number 353175, filed on or about April 30, 2023, available at <https://www.flsenate.gov/Session/Bill/2023/264/Amendment/353175/PDF>.

27. The following materials relate to legislative activities on or about May 1, 2023:

a. A video recording of the Florida House of Representatives legislative session that took place on May 1, 2023 is available at <https://www.myfloridahouse.gov/VideoPlayer.aspx?eventID=8946>.

b. **Exhibit 49**: A true and correct copy of proposed amendments to CS/CS/SB 264 1st Eng., number 639273, filed on or about May 1, 2023, available at <https://www.flsenate.gov/Session/Bill/2023/264/Amendment/639273/PDF>.

28. The following materials relate to legislative activities on or about May 2, 2023:

a. A video recording of the Florida House of Representatives legislative session that took place on May 2, 2023 is available at <https://www.myfloridahouse.gov/VideoPlayer.aspx?eventID=8951>.

b. **Exhibit 50**: A true and correct copy of proposed amendments to CS/CS/SB 264 1st Eng., number 048607, filed on or about May 2, 2023, available at <https://www.flsenate.gov/Session/Bill/2023/264/Amendment/048607/PDF>.

c. **Exhibit 51**: A true and correct copy of a message from the Florida Senate to the Florida House of Representatives, dated May 2, 2023, available at <https://www.flsenate.gov/Session/Bill/2023/264/Analyses/2023s00264.hms.ju.PDF>.

29. The following materials relate to legislative activities on or about May 3, 2023:

a. A video recording of the Florida House of Representatives legislative session that took place on May 3, 2023 is available at <https://www.myfloridahouse.gov/VideoPlayer.aspx?eventID=8955>.

b. **Exhibit 52**: A true and correct copy of a document from the Florida House of Representatives' legislative session on May 3, 2023, titled "CS/CS/SB 264 1st Eng. Passage Third Reading," available at

https://www.flsenate.gov/Session/Bill/2023/264/Vote/HouseVote_s00264e1440.PDF.

30. The following materials relate to legislative activities on or about May 4, 2023:

a. A video recording of the Florida Senate legislative session that took place on May 4, 2023 is available at https://www.flsenate.gov/media/VideoPlayer?EventID=1_nty0d3lq-202305041000&Redirect=true.

b. A video recording of the Florida House of Representative session that took place on May 4, 2023 is available at <https://www.myfloridahouse.gov/VideoPlayer.aspx?eventID=8960>.

c. **Exhibit 53**: A true and correct copy of proposed amendments to amendment number 048607 to CS/CS/SB 264 1st Eng., number 790990, filed on or about May 4, 2023, available at <https://www.flsenate.gov/Session/Bill/2023/264/Amendment/790990/PDF>.

d. **Exhibit 54**: A true and correct copy of a document from the Florida Senate’s legislative session on May 4, 2023, titled “CS/CS/SB 264 Returning Messages,” available at https://www.flsenate.gov/Session/Bill/2023/264/Vote/SenateVote_s00264e1056.PDF.

e. **Exhibit 55**: A true and correct copy of a document from the Florida House of Representatives' legislative session on May 4, 2023, titled "CS/CS/SB 264 1st Eng. Passage," available at https://www.flsenate.gov/Session/Bill/2023/264/Vote/HouseVote_s00264e1498.PDF.

f. **Exhibit 56**: A true and correct copy the Second Engrossed version of CS/CS/SB 264 1st Eng. ("CS/CS/SB 264 2nd Eng"), which replaced the prior version CS/CS/SB 264 1st Eng. on May 4, 2023 and is available at <https://www.flsenate.gov/Session/Bill/2023/264/BillText/e2/PDF>.

g. **Exhibit 57**: A true and correct copy of the Enrolled version of CS/CS/SB 264 2nd Eng. ("CS/CS/SB 264 Enrolled"), which replaced the prior version CS/CS/SB 264 2nd Eng. on May 4, 2023 and is available at <https://www.flsenate.gov/Session/Bill/2023/264/BillText/er/PDF>.

I declare under penalty of perjury under the laws of the United States and the State of Florida that the foregoing is true and correct.

Executed this 6th day of June, 2023.

/s/ Keliang Zhu

Keliang Zhu

EXHIBIT 1

Donate to the Florida Disaster Fund to Aid Hurricane Ian Relief Effort



[Home](#)
[Governor DeSantis](#)
[First Lady DeSantis](#)
[Lt. Gov. Nuñez](#)
[Media](#)
[Info Center](#)
[Judicial](#)
[Contact](#)
[Español](#)

[Governor Ron DeSantis Announces Two Appointments to Florida's Judicial Qualifications Commission](#) [Governor Ron DeSantis Awards \\$1.9 Million to Expand Entrepreneurship Education and Training](#)

[Governor Ron DeSantis Counteracts Malign Influence by China and Other Hostile Nations in Florida through New Action](#)

On September 22, 2022, in *News Releases*, by Staff



MIAMI — Today, Governor Ron DeSantis announced executive action and legislative proposals to address threats posed by the Communist Party of China and other hostile foreign powers in cyberspace, real estate, and academia. These measures will curtail the nefarious intentions of all seven countries on Florida's list of countries of concern, making it more difficult for China, Cuba, Russia, Iran, North Korea, Syria, or Venezuela to engage in espionage or influence operations within Florida's borders and preventing purchases of agricultural land and lands surrounding military bases by those governments or their agents. Details on today's announcement can be found [here](#).

"From server farms to farmland, the Communist Party of China has been worming its way into our nation's data storage systems and buying up tracts of land near sensitive national security sites," said **Governor Ron DeSantis**. "By prohibiting the purchase of lands, state contracts with Chinese technology firms, and the infiltration of CCP-affiliated groups such as Confucius Institutes, Florida is leading the way to protect our nation from international foes."

"The Chinese Communist Party cheats on trade, steals our intellectual property, and produces deadly drugs like fentanyl that are pouring into our southern border," said **Lieutenant Governor Jeanette Nuñez**. "Governor DeSantis' announcements today are not only critical to protecting American interests and Florida farmlands but also to maintaining our national security. Florida will never kowtow to the oppressive regime of China."

"With today's Executive Order, Governor DeSantis takes decisive action to defend the State of Florida and all Floridians from the cyber threats posed by foreign countries of concern and associated groups," said **Department of Management Services Secretary Pedro Allende**. "The Governor's direction to develop cybersecurity and procurement rules and standards will make it harder for bad actors to gain a foothold on state infrastructure, will protect Floridians' personal information and intellectual property, and will further secure key information systems and the critical infrastructure that our state and its citizens rely on each day."

"Thanks to Governor DeSantis, Florida will not allow foreign adversaries and Communist dictatorships to have insights into some of the most sensitive data and cutting-edge research taking place in U.S. academia," said **Commissioner of Education Manny Diaz**,

Jr. “As a Cuban-American, I know how Communist countries attempt to infiltrate schools and universities to steal intellectual property and indoctrinate young people with their dangerous and radical ideology. By removing this influence and focusing on the importance of American ideals and citizenship through civics education, Florida is again leading the way for the nation to follow.”

Cybersecurity

Effective immediately, Governor DeSantis has signed Executive Order 22-216 to prohibit government entities from procuring technology products and services from companies owned by, controlled by, or domiciled in foreign countries of concern. The executive order directs the Department of Management Services (DMS) to promulgate rules and take any additional action necessary to ensure commodities and services used by state and local governments are not susceptible to exploitation by foreign countries of concern. This prohibits government entities from procuring or utilizing technology services that:

- Have been determined by DMS to pose a risk to the safety and security of Florida due to the company’s connections to or use by a foreign country of concern;
- A federal agency has prohibited due to a national security concern; and
- Are designed, developed, manufactured, or supplied by companies or affiliated companies determined by federal or state government agencies to be owned, controlled, or domiciled in a foreign country of concern.

This will help prevent the exposure of government information and technology services and systems in Florida to other state and non-state actors affiliated with a foreign country of concern. The full executive order can be found [here](#).

Governor DeSantis also proposed legislative action to prohibit government entities from contracting with companies owned by, controlled by, or domiciled in foreign countries of concern if the contract would provide access to Floridians’ personal information. This prohibition would include the bidding, submitting a proposal for, or entering into or renewing a contract with a government entity if the contract would provide the company with access to an individual’s name in combination with a Social Security number, driver’s license, financial account numbers, medical history, insurance policy numbers, etc.

Purchases of Agricultural Land and Land Surrounding Military Bases

Governor DeSantis has proposed legislative action to prohibit purchases of agricultural land and land surrounding military bases by foreign countries of concern. There have already been instances of Chinese Communist Party-affiliated companies purchasing land near military bases in other states, including Grand Forks Air Force Base in North Dakota. Florida is home to 21 military bases from every branch of the armed forces, and while the state has allocated money to purchase land nearest to some of these bases to increase security perimeters, more needs to be done to protect our domestic national security assets.

As of 2019, foreign investors held an interest in 5.8% of Florida’s privately held agricultural land. This ranks Florida as the state with the fifth highest percentage of reported foreign-owned land. Thirty-one states have regulations in place for foreign ownership of agricultural land by law. In Iowa and Minnesota, no alien is allowed to acquire any interest in agricultural land.

Prohibiting Foreign Funds for Universities

Last year, Governor DeSantis signed HB 7017 to require the disclosure of foreign donations to state educational institutions in excess of \$50,000. This “naming and shaming” approach was intended to expose the influence of groups such as CCP-funded Confucius Institutes, with further punitive measures for non-disclosure. But even sub-\$50,000 donations from individuals and groups pushing the agendas of hostile foreign powers on college campuses can undercut academic integrity, warp the perspectives of many students, and sway the research and writing of many professors to align with the interests and values of the sources of that funding.

That is why Governor DeSantis has proposed legislative action to amend Florida statutes relating to reporting requirements of foreign gifts to prohibit any gift to a higher education institution in Florida from any individual residing in or entity domiciled in a foreign country of concern or from any governmental entity within a foreign country of concern. A general bill on this topic could also impose additional restrictions, screening requirements, or pre-conditions on researchers from foreign countries of concern.

###



Comments are closed.



Contact Governor DeSantis

Executive Office of Governor Ron DeSantis
400 S Monroe St
Tallahassee, FL 32399
(850) 488-7146

[Email Governor DeSantis](#)

[Email First Lady DeSantis](#)

[Email Lt. Governor Nuñez](#)

[Information Center](#)

[Scheduling Requests](#)



GOVERNOR DESANTIS'
INTERNSHIP
PROGRAM



Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing. [Copyright © 2012 State of Florida](#) | [Privacy Policy](#)

[Go To Top »](#)

Home	Governor DeSantis	First Lady	Lt. Governor	Media Center	Info Center	Judicial	Contact Governor	Español
----------------------	-----------------------------------	----------------------------	------------------------------	------------------------------	-----------------------------	--------------------------	----------------------------------	-------------------------

EXHIBIT 2

STOP CCP INFLUENCE



Governor DeSantis is taking action to stop the influence of China and other foreign countries of concern in Florida.



Signed Executive Order 22-216 to prohibit government entities from procuring technology and services from companies owned by, controlled by, or located in China or other foreign countries of concern.

Proposing Legislation for the Upcoming Session to:



Prohibit state and local government from contracting with companies owned by, controlled by, or based in China and other foreign countries of concern if the contract provides access to Floridians' personal information.



Prohibit China and other foreign countries of concern from purchasing agricultural land and land surrounding military bases in Florida.



Prohibit Florida universities from receiving gifts from any individual or entity affiliated with China or other foreign countries of concern.

EXHIBIT 3

TRANSCRIPT

Press Conference on September 22, 2022, titled “Governor’s Press Conference on Restrictions Against Foreign Countries”

<https://thefloridachannel.org/videos/9-22-22-governors-press-conference-on-restrictions-against-foreign-countries/>

Remarks by Florida Governor Ron DeSantis

06:29 to 06:58

I’m also excited about today’s announcement because if you remember in the most recent legislature with Speaker Sprowls and Simpson, we were able to do in 2021, a package of bills to recognize that we do not want to see malign foreign influence in the state of Florida. And the number one source of that influence—not just in the United States but really around the world—is the Chinese Communist Party.

11:16 to 12:39

You also see around the country things like the CCP, or a front group, company, or something, they’ll buy like all this land, farmland and all this other stuff. And you’re thinking, how is that in our national interest to be selling all this land? And you know, they pay a lot more than it’s worth, and that’s why people are doing it, but from a national security perspective, is that something that we want to see? And a lot of times, they’ll be companies that will put themselves out as private, but if you peel back the onion a little bit, they’re basically controlled by the Chinese government. So we think that’s something that the US as a whole needs to take much more seriously, and what we’re going to be doing in Florida is doing that.

You also have the CCP buying land near our military installations. Why are they doing that? Well, of course, they want to get intelligence, they want to know what’s going on here in the United States. And we have 21 different military branches [*sic*] from every branch of the Armed Forces, here in the State of Florida, and we view that as something that’s significant. So we have to be on the lookout for what they’re doing. So today, we’re going to propose legislation to pass a bill to prohibit the purchase of these lands, including lands near military bases, by China and other countries of concern.

12:48 to 13:11

And yes, there's the danger of having this land misused for intelligence or military purposes, but put that aside, we saw what happened with covid, when almost all this stuff was made in China. Why would you want them to be involved in our own food supply and our chain, supply chain, here in the United States? They've got enough power over this throughout the globe.

13:27 to 14:01

So I think this is something that you'll see other states will do, and if you look around the country, just with farmland, as of 2019, foreign persons and entities overall held 2.7% of privately owned agricultural land in this country. In Florida, it was about 5.8%. Now, that is not all countries of concern. I mean, the United Kingdom, for example, has some companies that are involved, but clearly, when you're talking about the CCP and you're talking about countries like that, we need to have some distance there, and we need to have a layer of protection for the people of Florida.

EXHIBIT 4

The Florida Senate

Senator Collins, District 14 — Press Release

FOR IMMEDIATE RELEASE

CONTACT: Aaron Courtney, (850) 487-5014

December 9, 2022

SENATOR JAY COLLINS TEAMS UP WITH AGRICULTURE COMMISSIONER-ELECT WILTON SIMPSON AND REP. DAVID BORRERO TO RESTRICT FOREIGN CONTROL OF FLORIDA AGRICULTURE LAND AND LAND SURROUNDING MILITARY BASES

LITHIA — Agriculture Commissioner-Elect Wilton Simpson, State Senator Jay Collins (R-Tampa), Chair of the Senate Committee on Agriculture, and Representative David Borrero (R-Sweetwater) today announced a framework for planned legislation to restrict foreign control of Florida agriculture land and key strategic military lands. Commissioner-Elect Simpson and Senator Collins were joined by Representatives Danny Alvarez and Lawrence McClure and Hillsborough County Sheriff Chad Chronister, as well as representatives from Florida's Agriculture Community and other stakeholders.

"As a Green Beret, I have seen first-hand the impact foreign adversaries' involvement can have on infrastructure, supply chains and national security here at home and across the globe," said Senator Collins. "As a farmer, Commissioner-Elect Simpson is on the frontlines protecting our food and water supply, and I am eager to work with him and my partner in the House, Rep. Borrero, to protect and preserve these important Florida agricultural lands and key strategic military lands, now and in the future."

Commissioner-Elect Simpson laid out what he calls "Florida's Strategic Land Plan" aimed at restricting the purchase, acquisition, lease, or holding of controlling interest in agricultural land in the state of Florida by nonresident aliens, foreign businesses and corporations, or foreign governments. Also encompassed are key strategic military lands in the state of Florida. As of 2020, 1.3 million acres of agricultural land in Florida were under foreign ownership.

"We have a responsibility to ensure Floridians have access to a safe, affordable and abundant food and water supply," said Commissioner-Elect Simpson. "Florida plays a critical role in our food supply chain and in the national security of the United States. China now controls nearly 200,000 acres of agricultural land in the U.S., leaving our food supply chain, our water quality and our national security interests vulnerable to the Chinese Communist Party. Restricting foreign control of Florida's agricultural land and key strategic military land will protect our state, provide long-term stability and preserve economic freedom."

"History should be a grim reminder that no foreign enemy, especially a communist dictatorship, should ever control any farmland in the land of the free. Our national security requires fertile, free and domestically owned farmland," said Representative Borrero. "With political upheaval and economic turmoil taking place in many foreign countries, Florida must act to insulate our food supply and food prices from these drastic events. Florida will act accordingly to make sure that foreign influences like China will not pose a threat to the critical food supply and food prices in our state."

"Florida will not stand by while our lands and our water supply fall into the hands of enemies who operate in the shadows to undermine our freedom from within," said Representative Alvarez. "Incapable of competing head-to-head, they choose subversive schemes to take our food and water hostage in hopes of crippling us from the inside. We will fight those efforts and send a clear message that Florida is not for sale."

"Preserving and protecting our agricultural community ensures a safe and reliable food supply, which is essential for all Floridians," said Sheriff Chronister. "I commend Commissioner-Elect Simpson for proposing this legislation and appreciate the growing support by legislators."

Disclaimer: The information on this system is unverified. The journals or printed bills of the respective chambers should be consulted for official purposes.

Copyright © 2000- 2023 State of Florida.

EXHIBIT 5

(<https://flvoiceneews.com/>)
(<https://flvoiceneews.com/>)

	-6%			-16%
--	-----	--	--	------

Dinnerware Sets & More
replacements.com

Redefining Mainstream Media

Agriculture Commissioner-Elect Wilton Simpson Announces Plan to Ban Foreign Control of Florida Land

POLITICS ([HTTPS://FLVOICENEWS.COM/CATEGORY/POLITICS/](https://flvoiceneews.com/category/politics/))



By Lydia Nusbaum (<https://flvoiceneews.com/author/lydia-nusbaum/>)

Published Dec. 9, 2022, 2:08 p.m. ET | Updated Dec. 9, 2022



The Employment Law Group



- ☐
- ☐
- ☐
- ☐

Whistleblower Attorneys

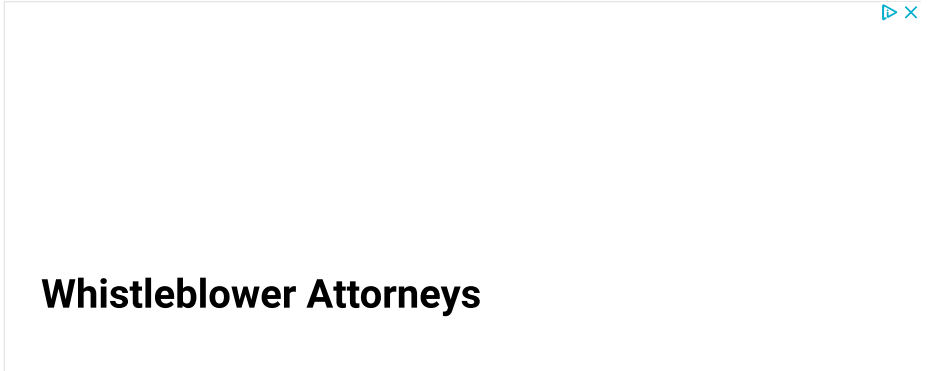
Open

(<https://flvoicenews.com/>)

Wilton Simpson announces 'Florida Strategic Land Plan,' Dec. 9, 2022.

LITHIA (FLV) – Incoming Republican Agriculture Commissioner Wilton Simpson, along with Sen. Jay Collins and Rep. David Borrero, announced a proposal to restrict foreign control of Florida agriculture land and strategic military lands.

Simpson called the the proposal “**Florida’s Strategic Land Plan**,” which would restrict the purchase, acquisition, lease, or holding of controlling interest in agricultural land in Florida by “nonresident aliens, foreign businesses and corporations, or foreign governments.”



Whistleblower Attorneys

“We have a responsibility to ensure Floridians have access to safe, affordable and abundant food and water supply,” Simpson said.

More than one million acres of agricultural land in Florida were under foreign ownership in 2020, according to the press release.

“Florida plays a critical role in our food supply chain and in the national security of the United States,” Simpson said. “China now controls nearly 200,000 acres of agricultural land in the U.S., leaving our food supply chain, our water quality and our national security interests vulnerable to the Chinese Communist Party. Restricting foreign control of Florida’s agricultural land and key strategic military land will protect our state, provide long-term stability and preserve economic freedom.”

History should be a grim reminder that no foreign enemy, especially a communist dictatorship, should ever control any farmland in the land of the free. Our national security requires fertile, free and domestically owned farmland. With political upheaval and economic turmoil taking place in many foreign countries, Florida must act to insulate our food supply and food prices from these drastic events. Florida will act accordingly to make sure that foreign influences like China will not pose a threat to the critical food supply and food prices in our state.

Rep. David Borrero

Florida will not stand by while our lands and our water supply fall into the hands of enemies who operate in the shadows to undermine our freedom from within. Incapable of competing head-to-head, they choose subversive schemes to take our food and water hostage in hopes of crippling us from the inside. We will fight those efforts and send a clear message that Florida is not for sale.

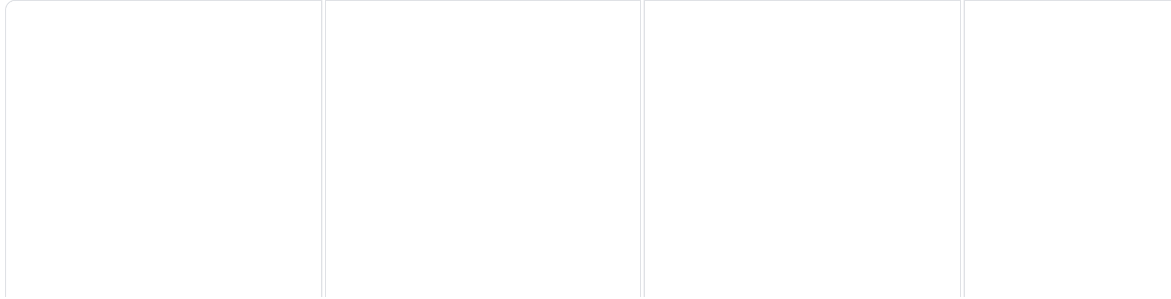
Rep. Danny Alvarez

Preserving and protecting our agricultural community ensures a safe and reliable food supply, which is essential for all Floridians. I commend Commissioner-Elect Simpson for proposing this legislation and appreciate the growing support by legislators.

Hillsborough County Sheriff Chad Chronister

In an interview with **Florida’s Voice** (<https://flvoicenews.com/exclusive-agriculture-commissioner-candidate-wilton-simpson-plans-to-work-to-outlaw-foreign-enemies-buying-farmland/>) before the 2022 elections, Simpson said if elected, he will work hard on “outlawing the idea that our foreign enemies can buy real estate in the state of Florida, farmlands and [agriculture] lands.”

Simpson won his election in November against Democrat Naomi Blemur by nearly 20 points. He is replacing Commissioner Nikki Fried, who was the only statewide elected Democrat from 2018-2022.



Share This Post



(<https://www.facebook.com/sharer.php?u=https%3A%2F%2Fflvoicenews.com%2Fwilton-simpson-foreign%2F>)



(<https://twitter.com/share?url=https%3A%2F%2Fflvoicenews.com%2Fwilton-simpson-foreign%2F>)



(<https://www.linkedin.com/shareArticle?url=https%3A%2F%2Fflvoicenews.com%2Fwilton-simpson-foreign%2F>)



(mailto:?body=https%3A%2F%2Fflvoicenews.com%2Fwilton-simpson-foreign%2F)

Florida's Voice is a patriotic news network that you can trust to deliver the truth with no hidden agenda. Founder and Editor in Chief Brendon Leslie left his job in mainstream news to practice journalism as it should be, unbiased and unbossed.

Latest News



(<https://flvoicenews.com/desantis-raises-massive-8-2-million-on-launch-breaking-bidens-2019-record/>)



(<https://flvoicenews.com/tampa-bay-young-republicans-endorse-desantis-for-president/>)
Tampa Bay Young Republicans

(https://flvoiceneews.com/)



➔ Login (https://flvoiceneews.com/wp-login.php?redirect_to=https%3A%2F%2Fflvoiceneews.com%2Fwilton-simpson-foreign%2F)

Join the discussion

B I U

6 COMMENTS

Oldest ▾

FLNativeson'44
🕒 5 months ago

Very pleased to see this initiative taking place.
Glad to see Simpson following up on his announced intention!

+ 0 — Reply

lynexxa
🕒 5 months ago

I'm glad to hear this. But can't a foreign gov't still buy through some American surrogate and still control the land?

+ 0 — Reply

View Replies (1) ▾

Jerry
🕒 5 months ago

Good move against the CCP, which routinely uses the openness and freedom of American society as a way to increase their nefarious influences...here are some suggestions: 1) Outright ban on any purchase that can be connected back to the CCP 2) There is a popular Chinese Cultural show circulating in Florida here; the press release claims it to be owned by a Company in New York, not the CCP; can we investigate and ascertain that the stockholders are not somehow related to the CCP. 3) How about this: for any foreign company to receive permission

(https://flvoicenews.com/) to operate here, the State must verify that it is from an open society or better yet, permit an American company to operate in their country with the same rules and guidelines that we have here. 4) Are there any Russian companies in Florida; we should look into that too. I say good work to all the legislators involved in this. Thank you nand God Bless.

+ 0 — ➔ Reply



Dorine

🕒 5 months ago

Good first step..

+ 0 — ➔ Reply



Bioyal

🕒 5 months ago

That was step; 1. For Step2, kick out all liberal carpetbaggers.

+ 0 — ➔ Reply

Join Our Network

Here at Florida’s Voice, we are committed to being a reliable, trustworthy news source. While social media can be a good tool to stay connected, the best way to ensure you have access to all the news we have for you is by subscribing to Florida’s Voice. You’ll be the first to hear about updates and get major stories delivered directly to your inbox.

SUBSCRIBE ➔

The following Patriot-owned businesses are proud supporters of Florida’s Voice.

(<https://flvoicenews.com/>)



(<https://www.oakesfarms.com/>)



(<https://www.naplesfloral.com/>)



flpuppiesonline.com

239-877-1757

(<https://www.flpuppiesonline.com/>)



Sunwest
All Service
Plumbing

3945 Tollhouse Dr, Ste 901, Naples, FL, 34114

239-455-8353

Sunwestplumbingservice.com

(<https://sunwestplumbingservice.com/>)



<https://www.martinlawfirm.com>

(<https://www.martinlawfirm.com/>)

Florida's Voice

Florida's Voice is a digital news network based in Southwest Florida. With no boss behind the scenes, pulling the strings, we're committed to be a reliable and truthful news source for both local and national stories.

(<https://flvoicenews.com/>)

Latest News

DeSantis raises massive \$8.2 million on launch, breaking Biden's 2019 record
(<https://flvoicenews.com/desantis-raises-massive-8-2-million-on-launch-breaking-bidens-2019-record/>)

Tampa Bay Young Republicans endorses DeSantis for president
(<https://flvoicenews.com/tampa-bay-young-republicans-endorses-desantis-for-president/>)

Sergeant killed in the line of duty by illegal immigrant: DeSantis
(<https://flvoicenews.com/sergeant-killed-in-the-line-of-duty-by-illegal-immigrant-sheriff/>)

About

Privacy Policy
(<https://flvoicenews.com/privacy-policy/>)

Terms of Service
(<https://flvoicenews.com/terms-of-service/>)

Contact Us
(<https://flvoicenews.com/contact-us/>)

Meet the Team
(<https://flvoicenews.com/meet-the-team/>)

Stay Connected



(<https://www.instagram.com/flvoicenews/>)



(<https://www.facebook.com/floridaconservativevoice>)



(<https://twitter.com/FLVoiceNews>)

Join Our Network

© 2021-2023 Florida's Voice. All Rights Reserved.



EXHIBIT 6

Watch Live

Florida's new agriculture commissioner wants to ban foreign agricultural land sales

By Evan Axelbank | Published December 9, 2022 | Hillsborough County | FOX 13 News |

Wilton Simpson aims to stop land sales to foreign countries

Evan Axelbank reports.

LITHIA, Fla. - Incoming agriculture commissioner Wilton Simpson unveiled a plan to heavily restrict the way foreign entities buy agricultural land in [Florida](#).

"If we don't do anything, you could wake up in 20 years and they could have a foothold," he explained.

Making the announcement near several family-owned farms in Lithia, Simpson says properties like it could very well be on the wish list of foreign governments like China, which spent more than \$6 billion on US real estate in 2022, with 24 percent of it in Florida.

READ: Agriculture program teaches children about growing food from the ground up

Simpson worries foreign governments could buy agricultural land and erase the need to buy from our farmers, or even use it to inflate our food costs.

"They could buy prime farmland and take away the ability to grow your own food, fate."

Once land has been purchased by a foreign government, it's almost impossible to know what they're doing on it. Even identifying who owns it can be difficult.

READ: Florida agriculture losses could hit \$1.9 billion due to Hurricane Ian

With Florida now at the forefront of national Republican politics, spies could easily use sprawling agricultural land as a base to gather intelligence on political candidates.

When Fox 13 asked, "What do we know about what is happening with the Chinese and land they have purchased in Florida?"

Simpson responded, "We really don't know. That's part of the problem. You do have to register with the Federal government when there are certain lands bought. But there is not a good control of that."

In 2019, the US Department of Agriculture said Chinese entities own 192,000 acres of farmland, worth \$2 billion and some of it is in North Dakota, near a US Air Force drone base.

"We have military installations around this state, and around Hillsborough County, that we would not want foreign nationals to own hostile foreign nationals to own around our military bases," Simpson stated.

This material may not be published, broadcast, rewritten, or redistributed. ©2023 FOX Television Stations

EXHIBIT 7

← Tweet



Jay Collins ✓
@JayCollinsFL

...

I have seen first-hand the impact foreign adversaries' involvement can have on infrastructure, supply chains, and national security.

I am eager to work with [@WiltonSimpson](#) to protect agricultural lands and strategic military lands, now and in the future.



flvoicenews.com

Agriculture Commissioner-Elect Wilton Simpson Announces Plan to Ban Fore...

Incoming Republican Agriculture Commissioner Wilton Simpson, along with Sen. Jay Collins and Rep. David Borrero, announced a proposal to restrict ...

2:29 PM · Dec 9, 2022

EXHIBIT 8

TRANSCRIPT

Press Conference on January 10, 2023, titled at “Governor’s Press Conference on Conservation”

<https://thefloridachannel.org/videos/1-10-23-governors-press-conference-on-conservation/>

Remarks by Florida Governor Ron DeSantis

38:55 to 40:17

So my view on the, our economy is, in Florida, is, we don’t want to have holdings by hostile nations. And so, if you look at the Chinese Communist Party, they’ve been very active in throughout the Western Hemisphere in gobbling up land and investing in different things. And, you know, when they have interests that are opposed to ours, and you see how they’ve wielded their authority, and especially with President Xi, who’s taken a much more Marxist/Leninist turn since he’s been ruling China. That is not in the best interest of Florida to have the Chinese Communist Party owning farmland, owning land close to military bases. But you know, my view is, I think there’s a broad agreement in those two, but my view is, okay, yeah, no farmland, but why would you want them buying residential developments or things like that? I don’t want them owning subdivisions and things like that. I think that the issue’s just going to be, I think people agree with that, the issue’s going to be, yeah, obviously, if someone comes in and buys, it’s not the CCP that’s signing that, these are holding companies and all that. So you’ve got to structure in a way that will effectively police it, but yes, we do not need to have CCP influence in Florida’s economy.

EXHIBIT 9

(<https://flvoiceneews.com/>)
(<https://flvoiceneews.com/>)

Maximize Your CRE Portfolio

Sign Up

Make Data-Driven Decisions

Redefining Mainstream Media

Agriculture commissioner's agenda includes protecting farmland, defending Second Amendment

POLITICS ([HTTPS://FLVOICENEWS.COM/CATEGORY/POLITICS/](https://flvoiceneews.com/category/politics/))

By Ernesto Sampera (<https://flvoiceneews.com/author/ernesto-sampera/>)
Published Feb. 7, 2023, 7:32 p.m. ET | Updated Feb. 7, 2023



Agriculture Commissioner Wilton Simpson announces plan to fine credit card companies tracking firearms purchases, Jan. 10, 2023.

TALLAHASSEE, Fla. (FLV) – Agriculture Commissioner Wilton Simpson laid out his department’s 2023 legislative priorities Monday to the Senate Agriculture Committee, pledging to protect second amendment rights as well as Florida’s farming and energy industries.

Simpson reiterated his support for the proposed Florida Arms and Ammo Act.

(https://flvoiceneews.com/)



Maximize Your CRE
Portfolio

Sign Up

The proposed legislation would prohibit financial institutions from collecting and monitoring information on Floridians' firearm related purchases.

"We want to make it that if a credit card company does that in the state of Florida, that they would receive up to a \$10,000 fine," Simpson said. "We're not going to let a backdoor opportunity take on our gun rights."

Speaking in support of the Secure Florida Act, Simpson vowed to prevent "foreign enemies" from purchasing farmland as well as properties located near U.S military installations.

"The bill that we're putting forward is saying that our foreign enemies will not be able to buy land in the state of Florida," Simpson said. "Not agricultural land in the state of Florida, or lan around our military bases."



Maximize Your CRE
Portfolio

Sign Up

Simpson said another top priority is raising the wages of Agricultural Law Enforcement and Florida's Forest Service personnel.

The commissioner is formally requesting \$300 million be allocated to the Rural and Family Lands Protection Program.

The program involves partnering with farmers to protect important agricultural lands by acquiring permanent agricultural land conservation easements. He noted from 2001 to 2021, the state spent about \$100 million on the program. However, last year the state put \$300 million into the program.

"And why should we do more of the rural family lands? First of all, it keeps it into the private taxpayer's hands, so it leaves it in the farmer's hands, landowner's hands," Simpson said.



Simpson told the committee the department would do a "Farm T.E.A.M." card, which stands for tax exempt agricultural materials. Currently, he said farmers have to fill out a lot of paperwork to receive sales tax deals on items in stores. He wants to make a card similar to other states where it is easier for farmers to receive tax breaks.

(<https://flvoicenews.com/>)

2023 LEGISLATIVE PRIORITIES

WILTON SIMPSON - FLORIDA COMMISSIONER OF AGRICULTURE

Commissioner Wilton Simpson's 2023 legislative priorities work to secure the future of Florida agriculture, prioritize Florida-grown food, defend second amendment rights, protect sensitive agriculture and military lands, support first responders, fight crime and prices at the pump, modernize and streamline the department's operations and processes, and more.



DEFENDING SECOND AMENDMENT RIGHTS

- FLORIDA ARMS & AMMO ACT: Prohibiting financial institutions from collecting and monitoring information on law-abiding Floridians' firearm and ammunition purchases.
- Creating penalties of up to \$10,000 per instance against financial institutions.



SUPPORTING FLORIDA'S FARMERS

- Requiring public institutions to lead by example and purchase more Florida grown food.
- Providing farmers the Florida Farm T.E.A.M. (Tax Exempt Agricultural Materials) Card for sales-tax-exempt purchases, which reduces red tape and modernizes current burdensome paper process.



PROTECTING AGRICULTURE, MILITARY LANDS FROM FOREIGN INFLUENCE

SECURE FLORIDA ACT: Protecting Florida's food and water supply by banning foreign control of agricultural and sensitive military lands.



SUPPORTING, HONORING FIRST RESPONDERS

Honoring the dedicated service of Agricultural Law Enforcement and Florida Forest Service personnel with much-needed pay raises that are partially funded through savings from reducing redundant department positions.



PRESERVING WORKING AGRICULTURAL LANDS

Commissioner Simpson is requesting \$300 million for the Rural and Family Lands Protection Program, which partners with willing farmers to preserve from development working agricultural lands and their immense economic and environmental benefits.



PROTECTING FLORIDA CONSUMERS

Fighting retail fuel theft that causes Florida customers to pay more at the pump by creating criminal penalties for the technology and devices used to steal fuel.



MODERNIZING DEPARTMENT'S PROCESSES, PROCEDURES

Streamlining and modernizing the department's operations, procedures, practices, and processes to better serve customers, businesses, and stakeholders.



REDUCING REGULATION

Reducing overly burdensome regulations and requirements on Florida businesses.

"Agriculture is a national security issue - often taken for granted - and the continued prosperity of our state is dependent on it. My priority is to support Florida consumers and our producers in the most efficient and customer-friendly manner through a common-sense approach. We are planting seeds of security, stability, and freedom today so future generations of Floridians can reap the harvest and remain prosperous for decades to come."

- COMMISSIONER WILTON SIMPSON

"If you can buy development rights, you're gonna make sure that 50 years from now, 100 years from now that we can still farm in this state."

Hoping to drive fuel costs down as much as possible, Simpson pledged to crack down on fuel theft by adding criminal penalties for utilizing devices commonly used to steal fuel.

Simpson is also planning an overhaul of the Department of Agriculture, promising to increase the efficiency of his agency's operations and terminating unnecessary regulations.

Share This Post

(<https://flvoicenews.com/>)



(<https://www.facebook.com/sharer.php?u=https%3A%2F%2Fflvoicenews.com%2Fagriculture-commissioner-agenda-includes-protecting-farmland-defending-second-amendment%2F>)



(<https://twitter.com/share?url=https%3A%2F%2Fflvoicenews.com%2Fagriculture-commissioner-agenda-includes-protecting-farmland-defending-second-amendment%2F>)



(<https://www.linkedin.com/shareArticle?url=https%3A%2F%2Fflvoicenews.com%2Fagriculture-commissioner-agenda-includes-protecting-farmland-defending-second-amendment%2F>)



(mailto:?body=https%3A%2F%2Fflvoicenews.com%2Fagriculture-commissioner-agenda-includes-protecting-farmland-defending-second-amendment%2F)

Florida's Voice is a patriotic news network that you can trust to deliver the truth with no hidden agenda. Founder and Editor in Chief Brendon Leslie left his job in mainstream news to practice journalism as it should be, unbiased and unbossed.

Latest News



(<https://flvoicenews.com/desantis-raises-massive-8-2-million-on-launch-breaking-bidens-2019-record/>)



(<https://flvoicenews.com/tampa-bay-young-republicans-endorses-desantis-for-president/>)
Tampa Bay Young Republicans

5

Article Rating



(https://flvoicenews.com/wp-login.php?redirect_to=https%3A%2F%2Fflvoicenews.com%2Fagriculture-commissioner-agenda-includes-protecting-farmland-defending-second-amendment%2F)



Join the discussion

B I U S [List Icon] [List Icon] " [Link Icon]

2 COMMENTS

[Lightning Bolt Icon] [Fire Icon] Oldest ▾



Thomas Stevens

🕒 3 months ago

It's nice to have an Ag Commissioner that actually has an Ag background and fights for the people of Florida. The last one was just interested in photo ops and running for higher office instead of working for Farmers and Ranchers. Also we are crazy if we keep letting Communist China buy up American farmland in this state or any other state.

+ 0 - ➔ Reply



R. Smith

🕒 3 months ago

Glad he got elected. I agree with his plans.

+ 0 - ➔ Reply

Join Our Network

Here at Florida's Voice, we are committed to being a reliable, trustworthy news source. While social media can be a good tool to stay connected, the best way to ensure you have access to all the news we have for you is by subscribing to Florida's Voice. You'll be the first to hear about updates and get major stories delivered directly to your inbox.

SUBSCRIBE ➔

(<https://flvoicenews.com/>)

The following Patriot-owned businesses are proud supporters of Florida's Voice.



(<https://www.oakesfarms.com/>)



(<https://www.naplesfloral.com/>)



flpuppiesonline.com
239-877-1757

(<https://www.flpuppiesonline.com/>)

**Sunwest
All Service
Plumbing**
3945 Tollhouse Dr, Ste 901, Naples, FL, 34114
239-455-8353
Sunwestplumbingservice.com
(<https://sunwestplumbingservice.com/>)

**Martin
Law Firm P.L.**
<https://www.martinlawfirm.com>
(<https://www.martinlawfirm.com/>)

(<https://flvoicenews.com/>)

Florida's Voice

Florida's Voice is a digital news network based in Southwest Florida. With no boss behind the scenes, pulling the strings, we're committed to be a reliable and truthful news source for both local and national stories.

Latest News

DeSantis raises massive \$8.2 million on launch, breaking Biden's 2019 record
(<https://flvoicenews.com/desantis-raises-massive-8-2-million-on-launch-breaking-bidens-2019-record/>)

Tampa Bay Young Republicans endorses DeSantis for president
(<https://flvoicenews.com/tampa-bay-young-republicans-endorses-desantis-for-president/>)

Sergeant killed in the line of duty by illegal immigrant: DeSantis
(<https://flvoicenews.com/sergeant-killed-in-the-line-of-duty-by-illegal-immigrant-sheriff/>)

About

Privacy Policy
(<https://flvoicenews.com/privacy-policy/>)

Terms of Service
(<https://flvoicenews.com/terms-of-service/>)

Contact Us
(<https://flvoicenews.com/contact-us/>)

Meet the Team
(<https://flvoicenews.com/meet-the-team/>)

Stay Connected



(<https://www.instagram.com/flvoicenews/>)



(<https://www.facebook.com/floridaconservativevoice/>)



(<https://twitter.com/FLVoiceNews>)

Join Our Network

EXHIBIT 10

← Tweet



Jay Collins ✓
@JayCollinsFL



It's with a great sense of urgency that I'm moving to ban China and the Chinese Communist Party from owning ANY property in FL.

We're not stopping there. We're banning @RonDeSantisFL's Countries of Concern from owning ANY farmland or land near strategic areas.

Let's get going.



1:53 PM · Mar 3, 2023 · 10.5K Views

EXHIBIT 11

← Tweet



Wilton Simpson
@WiltonSimpson

Thank you @JayCollinsFL for your leadership on this important issue. Florida's food supply chain is a national security issue and this ban will go a long way toward protecting it.

 **Jay Collins**  @JayCollinsFL · Mar 3

It's with a great sense of urgency that I'm moving to ban China and the Chinese Communist Party from owning ANY property in FL.

We're not stopping there. We're banning @RonDeSantisFL's Countries of Concern from owning ANY farmland or land near strategic areas.

Let's get going.

KEEP FLORIDA



N  MORE CCP



3:54 PM · Mar 3, 2023 · **3,404** Views

EXHIBIT 12

Donate to the Florida Disaster Fund to Aid Hurricane Ian Relief Effort



[Home](#)
[Governor DeSantis](#)
[First Lady DeSantis](#)
[Lt. Gov. Nuñez](#)
[Media](#)
[Info Center](#)
[Judicial](#)
[Contact](#)
[Español](#)

[Governor Ron DeSantis Announces \\$50 Million Available for Local Governments Impacted by Hurricanes Ian and Nicole](#) [Governor Ron DeSantis Debunks Book Ban Hoax](#)

Governor Ron DeSantis Delivers State of the State Address

On March 7, 2023, in *News Releases*, by Staff

Today, Governor Ron DeSantis delivered his State of the State address to the joint legislative session from the Florida House of Representatives chamber in Tallahassee. Watch the full address [here](#). You can find a full transcript of his State of the State address below:

Mr. Speaker, Madam President, members of the Legislature and fellow citizens:

It is my duty under the Constitution to inform the Legislature concerning the condition of the state and to recommend measures in the public interest.

Well, as we used to do in the military, here's the BLUF (Bottom Line Up Front): Florida is number one and working together we will ensure that Florida remains the number one state in these United States.

Florida is the fastest growing state in the nation.

We rank number one for net in-migration.

We rank number one in the nation for new business formations.

We are number one in economic growth among large states.

Florida has more people employed today than before the pandemic. Our unemployment rate is one of the lowest on record and it is significantly lower than the national average.

And of course, as many of you know in this room, the last two years we've seen the largest budget surpluses in the history of the state of Florida.

And we do that with having the lowest per capita state tax and lowest per capita state debt burdens amongst all large states.

We rank number one in the nation in tourism and we just experienced yet another record-breaking year for visitors to the Sunshine State.

We are number one in law enforcement recruitment and support. Florida's crime rate stands at a 50-year low.

We rank number one in the nation for education freedom.

We rank number one in the nation for parental involvement in education.

We rank number one in fourth grade reading and math amongst all large states.

And we have the number one public higher education system in the country.

We are number one among large states for the quality of our roads.

And Florida has the top three cruise ports in the entire world. We rank number one for space-related development, manufacturing, and flight.

And, maybe most famously, we rank number one for protections of our citizens against the biomedical security state, from prohibiting "jab or job" mandates to banning vaccine passports to ensuring hospital visitation rights.

We defied the experts, we buck the elites, we ignored the chatter, we did it our way, the Florida way. And the result is that we are the number one destination for our fellow Americans who are looking for a better life.

Working together we have met big challenges and we've led the nation on many big issues.

We don't make excuses, we don't complain, we just produce results.

Florida stepped up in times of crisis. In September, Hurricane Ian smashed into southwest Florida and barreled across our state. It left catastrophic damage in its wake, including the destruction of the Pine Island Bridge and the Sanibel Causeway.

Local island residents were told it would take six months or more to restore the bridges, and so they appealed to the state for help. We took up the challenge and three days later we opened a rebuilt Pine Island bridge. And two weeks after that, we were able to reopen the Sanibel Causeway after it had been severed in three locations.

We're joined today by Stephen Soloway. Please stand and be recognized. He's a business owner on Pine Island. In the immediate aftermath of the storm, he was helping residents by boat bring supplies for people that were in need. He has said that the reopening of the bridge was a Godsend for the folks on Pine Island. They are coming back, and God bless you, sir.

Julie Wappes is the fourth grade teacher at the Sanibel School. She lost everything in her home and in her classroom. They had to have the school take place on the mainland, but because of the rebuilt causeway, a faster recovery has been facilitated and the school is now back open on Sanibel Island. Thank you for your service.

Also with us today is Barbara Morgan, a resident of Lee County. She was displaced from her home, had very bad damage, and she was trying to get a temporary trailer from FEMA. Well, they weren't moving fast enough. So the state of Florida in a first of its kind program in the nation stepped up to the plate, created our own program for travel trailers and we were delighted to be able to get Barbara in a trailer on her own property as she works to rehab her home. Thank you for being here and God bless you.

We've also delivered, for all Floridians much needed economic relief. Due to the excessive spending and printing of money by the the federal government, Americans are living through the worst period of sustained inflation in decades. We've worked together to reduce the pain of inflation by enacting over \$1 billion in tax relief in this current year's budget and by slashing tolls by 50% for Florida commuters for this calendar year. That will save some families more than \$1,000. Thank you, Legislature, for stepping up for our consumers.

Florida's proud to stand for law and order. We are tough on crime and we support the men and women of law enforcement. And we have made it very clear to prosecutors who believe they can disregard the law, you will be held accountable.

Thanks to action of the Legislature, we enacted a recruitment bonus program to recruit law enforcement officers from other states and that program has surpassed expectations. Joining us today is Officer Mercedes Phillips from the Cape Coral Police Department. She was able to take advantage of this program, received a \$5,000 signing bonus this summer, leaving Montgomery County, Maryland, now working in Cape Coral. And guess what? She got here just in time for the hurricane, but she wouldn't trade what she's done and she's made a great move. So thank you for your service and we're happy to have you in Florida.

We believe that borders matter and we have fought against illegal immigration in the state of Florida from banning sanctuary cities to suing the Biden Administration over its catch and release policies to transporting illegal aliens to sanctuary jurisdictions. We have put Floridians first and we will continue to do that.

We've also provided robust support for K through 12 education. We have enacted record increases in teacher salaries. We've expanded school choice and we have protected the rights of parents. Joining us here today is Tiqkia Barrow, a fifth grade teacher from Renaissance Charter School in Wellington and a US army veteran. She had to leave the teaching profession for a time being. Part of the reason she came back is because we were increasing salaries, and she's brought her US army experience back into the classroom. So thank you for what you do every day for our students. God bless.

Joining Ms. Barrow is Melissa Anne Matz. She's a seventh grade math teacher from Clay County and she is the 2023 Florida Teacher of the Year. Thank you for what you're doing and keep up the great work. Thank you so much.

We're also joined by Alicia Farrant. She's a mother of five who attend Orange County Public Schools. She was a concerned parent, who a year or two ago because she saw that there was inappropriate material in her children's library and school items that were even pornographic. So she raised the issue. She got a positive result, but she decided to get more involved and this past November, she was elected to the Orange County School Board as a parents' rights candidate. Congratulations to you and best of luck.

We believe in workforce education and we've expanded opportunities for Floridians to obtain certifications and credentials. A four year degree from a traditional brick and ivy University is one way you can be successful. It is not the only way.

Joining us here today is Kirk Corwin. He's a driver with WalPole Inc. He was able to get his commercial driver's license through one of our programs here in the state of Florida. He was also spared his job when the legislature came in and we protected against the vax mandates. So thank you for stepping up and thank you for fulfilling an important role in our economy.

Four years ago, the state was producing about 600 truck drivers a year. Now through all of our initiatives over the last four years, we're capable of producing 3,500 truck drivers each and every year. You want to talk about supply chain, you want to talk about making sure our economy runs, these guys are really important for that.

We're also here with Raeanne Champion who fulfills another very important role in the state of Florida. She recently graduated from the the nursing program at Seminole State College. I think as many of you know, there's a nationwide nursing shortage. And so what we've been able to do with the

help of the legislature is put record resources into our systems so we can train more Floridians to become nurses. Thank you for what you're doing. I know everybody appreciates having a great nurse. God bless.

Florida has provided the strongest protections for medical freedom during the coronavirus pandemic of any state in the country. We have prohibited COVIDshot mandates in schools, we have banned vaccine passports and we have protected Floridians from losing their jobs due to their personal decision about whether to take or not take the COVID jab.

We're joined here by Dr. Tim Boyett. He's a radiologist and his job at a hospital in the Panhandle was saved due to the actions of the legislature to provide protections for all Floridians. No Floridians should have to choose between a job they need and a shot they don't want. Thank you doctor for standing strong.

With your support, we've ushered in a new era of stewardship for Florida's natural resources, securing historic funding for water quality and Everglade Everglades projects, improving our water policy and utilizing technology to combat things like algal blooms and red tide. We promised to leave Florida to God better than we found it and we are making good on that promise.

November's election results represent a vindication of our joint efforts over these past four years.

The results also vest in us the responsibility to lead and provide us the opportunity to shoot for the stars.

Boldness be our friend in this endeavor. We have a lot we need to accomplish.

Our \$2 billion tax cut package is the largest tax cut package in Florida history. It will help many who need relief from inflation, especially our Florida families. By permanently eliminating sales tax on all baby supplies, diapers, wipes, closed cribs, strollers, we will be able to say that in Florida, having a child will be tax free. We are proud to be pro-family and we are proud to be pro-life in the state of Florida.

Floridians are also harmed by inflation when it comes to the prices of prescription drugs, especially due to pharmacy middlemen. We must bring transparency to the system so that Floridians can save money on their drugs. We need reform of the PBMs!

While our economy has consistently outperformed the nation as a whole. Florida's lawsuit, happy legal climate is still holding us back. The legal system should be centered on achieving justice, not lining the pockets of lawyers.

Speaker Paul Renner is stepping up to deliver much needed legal reform and I thank him for helping Florida reach its full economic potential.

Our state is growing. Americans are voting with their feet and we need to ensure that we're getting ahead of the population expansion by accelerating infrastructure projects. Our Moving Florida Forward infrastructure initiative will expedite 20 major interstate and roadway projects over the next four years. This will allow these projects to be completed a decade ahead of schedule and just think of how much time that will save Floridians from having to sit in the awful traffic that they sometimes have to do.

We also need to ensure that our supply of housing is adequate to meet the needs of those in our workforce. Workers who make our economy tick should be able to find a place to live that's affordable in their general area of their jobs.

And I want to thank President Kathleen Passidomo for tackling this issue head on and I look forward to working with her to deliver big results.

We must continue our stewardship of Florida's natural resources by supporting additional water quality and Everglades restoration efforts, enhancing protection for our coastlines and establishing the Indian River Lagoon Protection Program. We are truly making history with our conservation efforts. Let's not stop now.

We have rejected the biomedical security state in Florida and have provided protections for Floridians against unwanted medical interventions, but those protections are set to expire in July. It's important that we make all of these protections. Permanent protection from medical authoritarianism should not have an expiration date in the Free State of Florida.

We also need to protect the free speech rights and conscience rights of physicians. The medical establishment whiffed an awful lot during COVID and physicians who follow the evidence should not be penalized simply because they buck a stale consensus.

We must continue our momentum with K through 12 education by increasing teacher salaries, enacting a teacher's bill of rights, providing paycheck protection for teachers, expanding school choice and fortifying parents' rights. Our schools must deliver a good education, not a political indoctrination.

And it's sad that we have to say this, but our children are not guinea pigs for science experimentation and we cannot allow people to make money off mutilating them. Chloe Cole is now a young adult, but she was receiving puberty blockers at age 13 and she underwent a double mastectomy at age 16. She's now an advocate against allowing these procedures for our children. Chloe, thank you for your bravery and the people of Florida and the legislature should heed your advice and provide protections against these procedures.

The massive amount of fentanyl being trafficked across the southern border has devastated families across our nation. Kim Kelly from Jacksonville is joining us. She recently lost her son Palmer to fentanyl poisoning, but she is sharing Palmer's story because she wants to see additional accountability. Thank you for your bravery and we're so sorry for your loss.

We need to increase penalties for fentanyl dealers, especially those who target our children. And to do that we must treat them like the murderers that they are. We must further strengthen our laws against illegal immigration by enhancing employment verification, increasing penalties for human smuggling and further disincentivizing illegal immigration to the state of Florida. Florida is not a sanctuary state and we will uphold the rule of law.

Joining us here today is Stacy Kaszuba. She's from Sarasota. Nearly two years ago an illegal alien broke into her home and sexually assaulted her. He should have never been in this country in the first place and if the federal government had done its job like it's supposed to, Stacy would never have been victimized. Enough is enough. Thank you for being willing to speak out and to share your story.

We also need to ensure that our bail system is conducive to public safety. Dangerous criminals should not simply be put back on the street like we see what happens in states that have gone so far as to abolish cash bail entirely. Police officers should not have to repeatedly risk their lives to apprehend the same criminal over and over again.

We also understand that part of fighting crime is to protect Floridians' right to defend themselves. A constitutional right should not require a permission slip from the government. It is time we join 25 other states to enact constitutional carry in the state of Florida!

The Chinese Communist Party represents the greatest economic, strategic and security threat that our country faces. We in Florida long recognized this and have taken action such as banning the CCPs Confucius Institutes at our state colleges and universities. Now we see the CCP trying to make strategic land purchases across the US and our message in Florida is very simple. We will not allow land grabs by CCP-backed businesses in our state.

I am happy to be joined here by our First Lady, my wife, Casey. Over the past four years, she spearheaded efforts to help our youth avoid drugs, promote emotional resiliency in schools, and provide a pathway to prosperity for the less fortunate. She also gave birth to our daughter Mamie and most recently fought a battle against breast cancer. I was here last year saying we would be able to announce that she was cancer free, and I can tell you she is cancer free and she is doing better than ever.

Now she has taken her experience as a cancer survivor and helped to launch the Cancer Connect Collaborative, which will rethink Florida's battle against cancer by breaking down longstanding silos between researchers, cancer facilities and medical providers to provide and improve research and treatment. And I want to thank her for taking her experience, as difficult as it was, and applying it in ways that are going to help people battle cancer. Thank you so much.

So we find ourselves in Florida on the front lines in the battle for freedom.

Together we have made Florida the nation's most desired destination and we have produced historic results.

But now's not the time to rest on our laurels.

We have the opportunity and indeed the responsibility to swing for the fences so that we can ensure Florida remains number one.

Don't worry about the chattering class.

Ignore all the background noise.

Keep the compass set to true north.

We will stand strong.

We will hold the line.

We won't back down.

And I can promise you this, you ain't seen nothing yet. Thank you all. God bless you.

###



Comments are closed.



Contact Governor DeSantis

Executive Office of Governor Ron DeSantis
400 S Monroe St
Tallahassee, FL 32399
(850) 488-7146

[Email Governor DeSantis](#)

[Email First Lady DeSantis](#)

[Email Lt. Governor Nuñez](#)

[Information Center](#)

[Scheduling Requests](#)



GOVERNOR DESANTIS'
INTERNSHIP
PROGRAM



Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing. [Copyright © 2012 State of Florida](#) | [Privacy Policy](#)

[Go To Top »](#)

Home	Governor DeSantis	First Lady	Lt. Governor	Media Center	Info Center	Judicial	Contact Governor	Español
----------------------	-----------------------------------	----------------------------	------------------------------	------------------------------	-----------------------------	--------------------------	----------------------------------	-------------------------

EXHIBIT 13

← Tweet



Jay Collins ✓
@JayCollinsFL



I couldn't agree more, @RonDeSantisFL!

Thank you for your support to finally ban China and communist dictatorships from owning land here in Free Florida.



12:20 PM · Mar 7, 2023 from Tallahassee, FL · **909** Views

EXHIBIT 14



Tweet



Wilton Simpson
@WiltonSimpson



Not for long...



Peter Schorsch  @PeterSchorschFL · Mar 15

Are China and Russia building influence buying Florida farmland?

Must-read report via @JacobOgles

wp.me/pcPG06-2uW5

#FlaPol

10:22 AM · Mar 15, 2023 · **3,564** Views

EXHIBIT 15

← Tweet

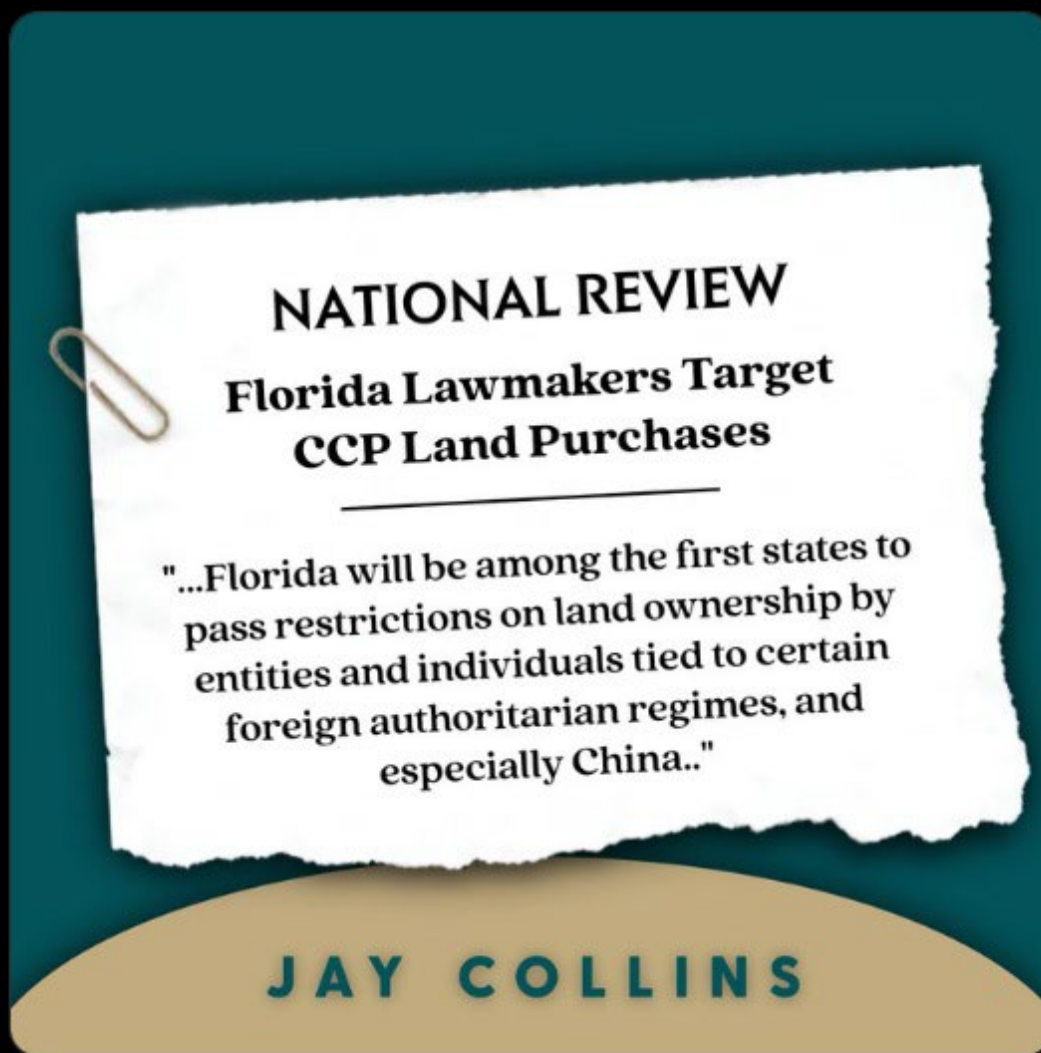


Jay Collins ✓
@JayCollinsFL

Bad actors like the Communist Party of China are a threat to our American values and they have no place buying land here in Florida.

🇺🇸 My bill that takes action to shore up our security just passed through the Senate 38-0!

Read more in @NRO: nationalreview.com/2023/04/florid...



4:41 PM · Apr 11, 2023 · 6,347 Views

EXHIBIT 16

← **Tweet**



Wilton Simpson
@WiltonSimpson



Keeping Florida free just takes a little common sense.

Thank you [@JayCollinsFL](#) for digging in on SB 264.

We're restricting foreign control of our ag land and land near critical infrastructure facilities to protect our state, ensure stability, and preserve economic freedom.



PROTECT ★ PROVIDE ★ PRESERVE
FLORIDA LAND

6:30 PM · Apr 11, 2023 · **3,325** Views

EXHIBIT 17

TRANSCRIPT

Interview by Jackie DeAngelis of Florida Senator Jay Collins on “The Evening Edit” on Fox Business News on April 11, 2023

<https://www.foxbusiness.com/video/6324622889112>

Fox Reporter Jackie DeAngelis (00:00 to 00:40)

et’s welcome to the show, Florida State Senator Jay Collins. It’s great to see you, Senator Collins. Today, your legislation in Florida passed banning Communist China from owning land and conducting business in the State of Florida. This actually just passed moments ago. It is groundbreaking legislation because we are experiencing such tension with China. After the spy balloon and so much more, China’s aggression over course of the last two and a half years or so, under this administration, people are very concerned about China’s presence here in the United States. So this legislation in your state, putting some parameters on that. Tell us about it.

Florida Senator Jay Collins (00:40 to 02:11)

Yeah, first and foremost, thank you for having me on here. It’s an absolute honor and privilege. And this is groundbreaking legislation. Senate Bill 264 just passed, 38-nothing in the Senate. We’re going to be waiting for it to move through the house, and then off to the desk of America’s governor. This bill is very straightforward. It does a few things. It focuses on critical infrastructure, making sure that countries of concern can’t purchase land around those critical pieces of infrastructure think airports, spaceports, seaports, you know, gas, power, those critical nodes of infrastructure. It also makes sure the CCP, the PRC can’t buy real property here in the free state of Florida. We’ve got to make sure that we maintain our stability, our strategic interests moving forward. It also makes sure countries of concern cannot buy ag land. Our ag land is of utmost importance. Farmers are having a hard time right now. We can’t continue to cripple our farmers by letting other nations purchase that farmland. It does a couple other things as well. It makes sure that data being housed outside out of our country is only maintained in Canada, US, and our territories for those relevant, sensitive records. And lastly, I just want to say that it’s an absolute privilege. After 23 years as a green beret, serving our country, to be able to shore up our national defense by making sure that Florida remains free and we protect our infrastructure in this great state.

Fox Reporter Jackie DeAngelis (02:12 to 02:39)

I can imagine what a moment this must be for you. Let me ask you this, because Florida has been an outlier under the leadership of Ron DeSantis, doing quite well in this pandemic era that has stretched on and on as we discussed in the previous segment. Florida bucked all the trends, and this is a piece of legislation that is also bucking trends. Do you think that other states will adopt rules like these because this is not only important to Florida for national security, it's important for the entire country.

Florida Senator Jay Collins (02:40 to 03:24)

Yeah, you know, I think you're spot on there. This is groundbreaking, and this is what right looks like. I like to joke with some of my friends that our number one export in Florida is freedom. I believe we're leading the way on this. We are setting the tone and setting the standard. I do expect that others will follow suit. We have to take China their word, you know. 2017 was a new era. 2019, they're talking about the long road. We talk about the spy balloons flying over our contract [sic]. Believe on the way down here that Brian Mass pushed out that there is proof that China was actually collecting military intelligence, uh, in that process. They're telling us what they're doing. They're telegraphing their thought process. We have to shore up our security. We have to protect our citizens here in the state of Florida and across this great country.

EXHIBIT 18

← Tweet



Jay Collins ✓
@JayCollinsFL

We are protecting our families, businesses, and land from bad actors like China who are actively working against our national security.

Thank you @JackieDeAngelis for having me on @EveningEdit @FoxBusiness to talk about my groundbreaking legislation that just passed unanimously.

▶ JAY COLLINS (R) | FLORIDA STATE SENATOR
FLORIDA PASSES LEGISLATION TO PROHIBIT CHINESE-GOVT LAND PURCHASES

DOW 33,684.79 ▲ 98.27 +0.29% S&P 500 4,108.94 ▼ 0.30 / 2:09
INDEX RECAP ▶ 16.62 ▲ 0.80 | NASDAQ 100 VIX (VXN) 24.71 ▲ 0.15 ▲ 98.27 +0.29%

8:19 AM · Apr 12, 2023 · 2,928 Views

EXHIBIT 19

Donate to the Florida Disaster Fund to Aid Hurricane Ian Relief Effort



- [Home](#)
- [Governor DeSantis](#)
- [First Lady DeSantis](#)
- [Lt. Gov. Nuñez](#)
- [Media](#)
- [Info Center](#)
- [Judicial](#)
- [Contact](#)
- [Español](#)

[Governor DeSantis Signs One Bill Next Post](#)

[Governor Ron DeSantis Celebrates Historic Success During the 2023 Legislative Session](#)

On May 5, 2023, in [News Releases](#), by Staff



All videos may be used courtesy of the Executive Office of the Governor.

TALLHASSEE, Fla. — Today, Governor Ron DeSantis, joined by Senate President Kathleen Passidomo and House Speaker Paul Renner, marked the end of the 2023 Legislative Session. This Session was a historic success, with the Legislature passing groundbreaking and nation-leading legislation across the Governor’s policy priorities.

“After a historic election cycle, we seized the opportunity to follow through on our promises and delivered unprecedented results for Floridians this Legislative Session,” said **Governor Ron DeSantis**. “We have secured \$2.7 billion in tax cuts, and the legislature passed countless legislative priorities that will better the lives of Florida families. Thank you to the Legislature for such a productive session.”

The Governor and the Legislature supported families by passing \$2.7 billion in historic tax cuts for Floridians, first through the Toll Relief Program which began on January 1, 2023, and now through family-focused tax relief to lower costs. This includes permanent tax exemptions for diapers, wipes, children’s clothing, cribs, and strollers.

Florida had the highest net in-migration in the country in 2022. The Governor joined Senate President Kathleen Passidomo in championing and signing record-setting housing investments into law to help workers in Florida live in the communities where they work. The Governor also succeeded in securing \$4 billion in funding to expedite major interstate and roadway projects over the next four years, easing the daily commute for Floridians.

The Governor has prioritized investments in the environment and renewed that commitment through his Executive Order, Achieving Even More Now for Florida’s Environment. This Legislative Session, the Governor secured more than \$1 billion for Everglades restoration and water resource protection.

The Governor joined House speaker Paul Renner to sign legislation establishing universal school choice in Florida, with the Legislature building upon the Governor’s previous school choice initiatives to secure Florida’s position as *the* education state. The Governor also delivered on more than \$1 billion for teacher salary increases and legislation to end shady union practices and protect teacher pay. Additionally, the Governor secured a

record \$8,648 per student funding, an increase of \$405 over last year, while also protecting parents’ rights in education. The Legislature also supported the Governor’s higher education agenda to refocus higher education on preparing students to be contributing members of society and make merit rather than ideology the metrics that students and faculty are judged by.

Florida has protected children by passing legislation to ban mutilating procedures and puberty blockers for all children under the age of 18. Additionally, Florida has now joined many other states across the country in advancing the pro-life movement by passing the Heartbeat Protection Act. Furthermore, this Legislative Session the protections enacted by Governor DeSantis against pandemic-era government overreach seen in other parts of the country have been made permanent.

The Governor built on his law-and-order agenda with his third consecutive anti-crime, pro-public safety legislative package which takes aim at so-called “bail reform” by strengthening Florida’s pre-trial release, increasing penalties for drug dealers who target children, and subjecting child rapists to the death penalty. Florida has enjoyed a 50-year low crime rate, and the Governor’s law-and-order legislative agenda is a blueprint for high-crime areas in other parts of the country.

The Governor promised to sign legislation that would allow Floridians to protect themselves without a permission slip from the government and he delivered, making Florida the 26th state to enact constitutional carry.

Biden’s Border Crisis was tackled head on this Session, with the Legislature making Florida the largest state in the country to require employers with more than 25 employees to verify the immigration status of their employees through E-Verify and increasing penalties for human smuggling. The Governor has also secured additional funds to transport more illegal aliens to so-called sanctuary jurisdictions.

The Legislature stepped up to the plate to take on the corporatist, globalist ESG movement and prohibited the financial sector from considering so-called “Social Credit Scores” in banking and lending practices that aim to prevent Floridians from obtaining loans, lines of credit, and bank accounts based on their political beliefs. The Governor and Legislature also pushed back against central bank digital currencies (CBDC), telling the federal administration that such government intrusion into Floridians’ financial freedom is unacceptable and will not be allowed.

The Legislature addressed the threat of foreign influence this Session, with the Legislature building upon the Governor’s previous legislative victories to counteract Chinese corporate espionage and ideological influence in higher education by passing the strongest legislation in the nation to date to prevent CCP-affiliated persons or entities from buying farmland or land near military bases and critical infrastructure facilities in Florida and prohibiting CCP-affiliated persons or entities from ideologically influencing primary and secondary education institutions.

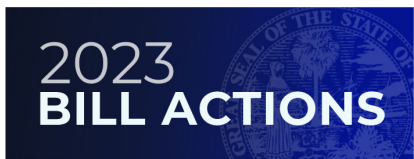
These are just some of the historic accomplishments achieved during this Legislative Session, so stay tuned.

###



Comments are closed.





Contact Governor DeSantis

Executive Office of Governor Ron DeSantis
400 S Monroe St
Tallahassee, FL 32399
(850) 488-7146

[Email Governor DeSantis](#)

[Email First Lady DeSantis](#)

[Email Lt. Governor Nuñez](#)

[Information Center](#)

[Scheduling Requests](#)



Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing. [Copyright © 2012 State of Florida](#) | [Privacy Policy](#).

[Go To Top »](#)

Home	Governor DeSantis	First Lady	Lt. Governor	Media Center	Info Center	Judicial	Contact Governor	Español
----------------------	-----------------------------------	----------------------------	------------------------------	------------------------------	-----------------------------	--------------------------	----------------------------------	-------------------------

EXHIBIT 20

← **Tweet**



Ron DeSantis 
@GovRonDeSantis

Florida will not allow the CCP to purchase farmland or land near our critical infrastructure.

We do not want the CCP in the Sunshine State.



9:00 AM · May 6, 2023 · **1.5M** Views

EXHIBIT 21

Donate to the Florida Disaster Fund to Aid Hurricane Ian Relief Effort



- [Home](#)
- [Governor DeSantis](#)
- [First Lady DeSantis](#)
- [Lt. Gov. Nuñez](#)
- [Media](#)
- [Info Center](#)
- [Judicial](#)
- [Contact](#)
- [Español](#)

[Governor DeSantis Receives Three Bills from the Florida Legislature Flags at Half-Staff in Honor of the Victims of the Tragedy in Allen, Texas](#)

Governor Ron DeSantis Cracks Down on Communist China

On May 8, 2023, in *News Releases*, by Staff

BROOKSVILLE, Fla. — Today, Governor DeSantis signed three bills to counteract the malign influence of the Chinese Communist Party in the state of Florida. Last year, Governor DeSantis called on the Legislature to build upon the efforts he led two years ago to combat corporate espionage and higher education subterfuge carried out by the CCP and its agents. With the legislation signed today to limit Chinese purchases of agriculture land and land near military bases and critical infrastructure, to protect digital data from Chinese spies, and to root out Chinese influence in Florida’s education system, Florida has once again taken the lead in protecting American interests from foreign threats and has provided a blueprint for other states to do the same. More information on today’s announcement is available [here](#).

STOP CCP INFLUENCE

Governor DeSantis is signing SB 264, SB 846, and SB 258 - the strongest legislation in the nation to date to counteract the influence of the United States' greatest economic, strategic, and security threat - the Chinese Communist Party.

- ★ Prevents Chinese entities or affiliates from buying farmland in Florida or land near our military bases and critical infrastructure.
- ★ Stops sensitive data from being stored on servers that might be owned by entities affiliated with the CCP.
- ★ Prohibits the Chinese influence that we rooted out of higher education from working its way into our primary and secondary education institutions.
- ★ Blocks access to dangerous applications, such as Tik Tok, on government and educational institution servers and devices.

“Florida is taking action to stand against the United States’ greatest geopolitical threat — the Chinese Communist Party,” **said Governor Ron DeSantis**. “I’m proud to sign this legislation to stop the purchase of our farmland and land near our military bases and critical infrastructure by Chinese agents, to stop sensitive digital data from being stored in China, and to stop CCP influence in our education system from grade school to grad school. We are following through on our commitment to crack down on Communist China.”

“Food security is national security, and we have a responsibility to ensure Floridians have access to a safe, affordable, and abundant food supply,” **said Commissioner Wilton Simpson**. “China and other hostile foreign nations control hundreds of thousands of acres of critical agricultural lands in the U.S., leaving our food supply and our national security interests at risk. Restricting China and other hostile foreign nations from controlling Florida’s agricultural land and lands near critical infrastructure facilities protects our state, provides long-term stability, and preserves our economic freedom. This bill is long overdue, and I thank Governor Ron DeSantis, Senate President Kathleen Passidomo, House Speaker Paul Renner, Senator Jay Collins, and Representative David Borrero for their leadership on this issue and their commitment to protecting Florida and our security interests.”

SB 264, Interests of Foreign Countries, restricts governmental entities from contracting with foreign countries and entities of concern and restricts conveyances of agricultural lands and other interests in real property to foreign principals, the People’s Republic of China, and other entities and persons that are affiliated with them. It also amends certain electronic health record statutes to ensure that health records are physically stored in the continental U.S., U.S. territories, or Canada.

SB 846, Agreements of Educational Entities with Foreign Entities, prohibits state colleges and universities and their employees and representatives from soliciting or accepting any gift in their official capacities from a college or university based in a foreign country of concern. It also prohibits state colleges and universities from accepting any grant from or participating in any agreement or partnership with any college or university based in a foreign country of concern. A state college or university may only participate in a partnership or agreement with a college or university based in a foreign country of concern if authorized by the Board of Governors or the State Board of Education. The bill also prohibits the ownership or operation of any private school participating in the state's school choice scholarship program by a person or entity domiciled in, owned by, or in any way controlled by a foreign country of concern.

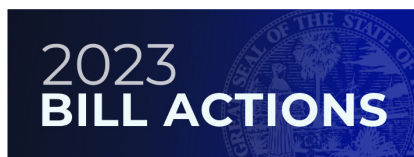
SB 258 requires the Department of Management Services to create a list of prohibited applications owned by a foreign principal or foreign countries of concern, including China, which present a cybersecurity and data privacy risk. The bill requires government and educational institution to block access to prohibited applications on all government servers and devices in Florida and requires public employers to retain the ability to remotely wipe and uninstall these dangerous applications from government issued devices.

For more information about Governor DeSantis' executive action taken against the Chinese Communist Party, [click here](#). For more information about Governor DeSantis' previous legislative accomplishments targeting the Chinese Communist Party, [click here](#).

###



Comments are closed.



[Contact Governor DeSantis](#)

Executive Office of Governor Ron DeSantis
400 S Monroe St
Tallahassee, FL 32399
(850) 488-7146

[Email Governor DeSantis](#)

[Email First Lady DeSantis](#)

[Email Lt. Governor Nuñez](#)

[Information Center](#)

[Scheduling Requests](#)



Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing. [Copyright © 2012 State of Florida](#) | [Privacy Policy](#)

[Go To Top »](#)

Home	Governor DeSantis	First Lady	Lt. Governor	Media Center	Info Center	Judicial	Contact Governor	Español
----------------------	-----------------------------------	----------------------------	------------------------------	------------------------------	-----------------------------	--------------------------	----------------------------------	-------------------------

EXHIBIT 22

STOP CCP INFLUENCE



Governor DeSantis is signing SB 264, SB 846, and SB 258 - the strongest legislation in the nation to date to counteract the influence of the United States' greatest economic, strategic, and security threat - the Chinese Communist Party.

- ★ Prevents Chinese entities or affiliates from buying farmland in Florida or land near our military bases and critical infrastructure.
- ★ Stops sensitive data from being stored on servers that might be owned by entities affiliated with the CCP.
- ★ Prohibits the Chinese influence that we rooted out of higher education from working its way into our primary and secondary education institutions.
- ★ Blocks access to dangerous applications, such as Tik Tok, on government and educational institution servers and devices.

EXHIBIT 23

TRANSCRIPT

**Remarks by Multiple Florida Officials and Leaders May 8, 2023 at
“Signing of Foreign Entities Legislation”**

<https://thefloridachannel.org/videos/5-8-23-signing-of-foreign-entities-legislation/>

Remarks by Florida Governor Ron DeSantis

07:13 to 07:24

And today is one example of Florida really leading the nation in terms of what we’re doing to stop the influence of the Chinese Communist Party.

09:02 to 09:53

They have had a concerted effort to acquire farmland throughout the United States. In fact, they were trying to acquire land in Florida, in Levy County, and that ended up not working out, thankfully, because there was some opposition, but nevertheless, you see what they’re doing. And I look at things like farmland, it’s important for community, it’s important for business and jobs and the economy, but our food security is also national security. And so we don’t want the CCP in charge of any of the food production. So when you see that, when you see what you see what they’re doing in the Western Hemisphere to expand their influence, we really need to have a unified effort in this country to deter the CCP’s ambitions and their influence, and part of that is asserting our economic sovereignty.

10:43 to 12:04

So today, we’re really recognizing the threat and we’re taking action and really doing measures that no other state has done at this level. And I want to thank the legislature for recognizing that we needed to step up and make things happen. So I’m going to be signing a series of bills today aimed at curbing the influence of the CCP both in our country and state of Florida. The legislation S 264 will prohibit the purchase of farmland in Florida by the CCP and other foreign countries of concern because we believe protecting our food supply is a security issue and we want to make sure that our agriculture land is not compromised by CCP influence.

Now, the prohibition in that bill is not just limited to farmland. It also includes land within 10 miles of any military installation or any type of critical infrastructure in our state, and that ensures our seaports, airports, power plants, telecomm systems

and other critical infrastructure will not be compromised by the CCP or any foreign adversary. So that will make a big, big difference.

15:27 to 15:39

So today Florida makes it very clear. We don't want the CCP in the sunshine state. We want to maintain this as the free state of Florida, and that's exactly what these bills are doing.

Remarks by Florida Commissioner Kristine Wooten

0 to 2

When you think about this bill here today the governor is going to sign, and I really have to thank Senator Jay Collins and Representative Corrado for leading the charge on this, they did a great job not allowing our foreign enemies to buy our agriculture lands or around our strategic things. When we think of national security and we think about oil, we know oil is a natural, national security issue, we have strategic supplies. And when it comes to food though, we don't always think about it as a national security issue. So I challenge everyone here to think here today, what would happen if there was one week of no groceries in the grocery store? You'd have chaos. In two weeks, you'd have total chaos.

Remarks by Florida Senator Jay Collins

24:04 to 25:31

As a 23-year retired green beret, I've deployed around the globe and I've seen firsthand the pain caused by countries like the PRC, what the CCP does to nations. The pure power of what tyranny does in these communities is gut-wrenching. We must not forget that these nations do not stand for freedom, do not understand or care for the American way. And as Reagan once said, we have to remember that America is a moral force that defeated communism: all those who put the human soul itself in bondage. We must be vigilant. We have to take their words and their actions of nations like the CCP, Cuba, Venezuela, Iran, and Syria seriously.

Remember that in 2017, China embarked in a new era, trying to take center stage. In 2019, it was a new long march. This is the same nation that is settling up police stations to patrol American citizens of Chinese origin. Their accelerating military development and pushing for economic dominance via initiatives like the belt and road strategy. And here in Florida, with Senate Bill 264, Florida is once again leading the way. As the governor mentioned, we are stopping the CCP from

purchasing real property in the state of Florida. We are blocking countries of concern from purchasing farmland. We are blocking them from purchasing real estate, real property within 10 miles within critical infrastructure.

Remarks by Florida Representative David Corro

31:28 to 31:50

With this law today, Florida provides a blueprint for our national security. See, there's no more important security than national security, and what this bill does today is tell Floridians that your governor and your legislature want to make sure that Florida is not for sale to totalitarian regimes.

32:09 to 34:01

This legislation continues to show why the free state of Florida will continue to build back against the totalitarian regimes around the world. Now by explicitly foreign countries of concern such as the Communist Party of Cuba, it's not just China, the Venezuelan regime of Nicolas Maduro, North Korea, from [sic] Iran. We are saying that we are not going to allow them to hold hostage our critical food supply here in Florida. This bill also prevents the Communist Party of China from purchasing any land here in Florida. And we know China has one goal in mind, and that is to rise to the apex of global dominance and really, to displace the United States' position of leadership around the world, but we're not going to let that happen, are we? Now many have asked, why does Florida need this? Well, unfortunately, the federal government has not stepped up, but Florida today rises to the occasion. States may be tempted to rely on the federal government to prevent the growing threat of the CCP, however, the efforts of the federal government so far to prevent this threat and Chinese influence in the United States has been futile. The reality is that for decades, Chinese Communist party has been purchasing hundreds of thousands of acres in the United States, and they have lobbied not only the federal government, but the state governments and local governments actively for contracts and to influence public policy here, but we're taking a stand against that today. This bill, it says that foreign adversaries will not have a backdoor to Florida's critical infrastructure. This bill prevents, I know it sounds crazy, but it prevents Florida from not being tenants to the Chinese Communist Party, and this bill prevents our food supply from every being held hostage by foreign countries of concern.

More Remarks by Florida Governor Ron DeSantis

37:58 to 39:09

What I'd say to the average Floridian is your state government takes security of this state very seriously. There's a lot that the federal government needs to do, of course, and that goes for our border, which is a total disaster and is going to get worse this week. It goes to having a strong military. It goes to protecting Americans from Chinese influence in the economy and make sure we have more economic self-sufficiency. And there's a lot that's been derelict over the years with that. I think what we can tell Floridians is that we're getting ahead of things, as you start to see what the CCP is doing with the farmland, we reacted very quickly. Also, with all the other critical infrastructure. And so this is the strongest in the country. I think people instinctively realize when you have a junta, a ruling junta dedicated to communist ideology like the CCP, that's not someone you want in your background. And that's not somebody that is going to be productive operating in the state of Florida. And so today, we say no, and that's not going to happen here. And I hope all states follow suit and follow Florida's lead.

EXHIBIT 24

← Tweet



Ron DeSantis ✓
@GovRonDeSantis

We do not want the CCP in the Sunshine State.

STOP CCP INFLUENCE



Governor DeSantis is signing SB 264, SB 846, and SB 258 - the strongest legislation in the nation to date to counteract the influence of the United States' greatest economic, strategic, and security threat - the Chinese Communist Party.

- ★ Prevents Chinese entities or affiliates from buying farmland in Florida or land near our military bases and critical infrastructure.
- ★ Stops sensitive data from being stored on servers that might be owned by entities affiliated with the CCP.
- ★ Prohibits the Chinese influence that we rooted out of higher education from working its way into our primary and secondary education institutions.
- ★ Blocks access to dangerous applications, such as Tik Tok, on government and educational institution servers and devices.

10:18 AM · May 8, 2023 · **806.8K** Views

EXHIBIT 25

← Tweet



Ron DeSantis ✓
@GovRonDeSantis

Our food security is national security.

We do not want the CCP involved in any of our food production.



11:00 AM · May 8, 2023 · **418.8K** Views

EXHIBIT 26

← **Tweet**



Wilton Simpson
@WiltonSimpson



Food security is national security, and we have a responsibility to ensure families have access to a safe, affordable, and abundant food supply. In the Free State of Florida, we're protecting our land from foreign control. Thank you @RonDeSantisFL @JayCollinsFL @DavidBorreroFL!



12:56 PM · May 8, 2023 · **1,519** Views

EXHIBIT 27

← Tweet



Ron DeSantis ✓
@GovRonDeSantis

I signed the strongest legislation in the nation to stop the influence of the Chinese Communist Party. The legislation:

- Prohibits land purchases by the CCP
- Blocks access to CCP-linked apps on government and educational institution servers and devices
- Prevents the CCP from influencing our education system



4:31 PM · May 8, 2023 · 1.2M Views

EXHIBIT 28

← **Tweet**



DavidBorreroFL
@DavidBorreroFL



Proud to partner with @flgovrondesantis in the fight for Florida's future!



Today's bills signed by the Governor:

- Prohibits land purchases by the CCP
- Blocks access to CCP-linked apps on government servers and devices
- Prevents the CCP from influencing our education system



6:01 PM · May 8, 2023 · **1,476** Views

EXHIBIT 29

← Tweet



Jay Collins ✓
@JayCollinsFL

...

Yesterday I was honored to join [@GovRonDesantis](#) as he signed my bill blocking the CCP and other countries of concern from acquiring land in the great state of Florida.

Our vital agricultural resources and strategic sites must be protected because Communism has no place in Florida! Food security is National Security!!!

Thanks to the leadership of [@RonDeSantisFL](#) Florida leads the way in the fight against the Chinese Communist Party.



4:23 PM · May 9, 2023 · **3,184** Views

EXHIBIT 30

The Florida Senate

CS/CS/SB 264: Interests of Foreign Countries

GENERAL BILL by Rules ; Judiciary ; [Collins](#) ; (CO-INTRODUCERS) [Avila](#)

Interests of Foreign Countries; Prohibiting governmental entities from knowingly entering into certain contracts; authorizing the Attorney General to bring a civil action; providing penalties; requiring government entities to require an affidavit from applicants before providing any economic incentive; prohibiting foreign principals from purchasing agricultural land, or having more than a de minimus indirect interest in such land, and certain real property in this state, respectively; authorizing foreign principals to continue to own or hold such land or property under certain circumstances, etc.

Effective Date: 7/1/2023

Last Action: 5/9/2023 - Chapter No. [2023-33](#)

Bill Text: [Web Page](#) | [PDF](#)

Senate Committee References:



1. [Judiciary](#) (JU)
2. [Rules](#) (RC)




Bill History

Date	Chamber	Action
3/2/2023	Senate	• Filed
3/6/2023	Senate	• Referred to Judiciary; Rules
3/7/2023	Senate	• Introduced
3/9/2023	Senate	• On Committee agenda-- Judiciary, 03/14/23, 4:00 pm, 412 Knott Building
3/14/2023	Senate	• CS by Judiciary; YEAS 12 NAYS 0
3/15/2023	Senate	• Pending reference review under Rule 4.7(2) - (Committee Substitute) • Now in Rules
3/17/2023	Senate	• On Committee agenda-- Rules, 03/22/23, 8:30 am, 412 Knott Building
3/21/2023	Senate	• CS by Judiciary read 1st time
3/22/2023	Senate	• CS/CS by- Rules; YEAS 18 NAYS 0
3/23/2023	Senate	• Pending reference review -under Rule 4.7(2) - (Committee Substitute) • CS/CS by Rules read 1st time
3/24/2023	Senate	• Placed on Calendar, on 2nd reading
4/5/2023	Senate	• Placed on Special Order Calendar, 04/11/23

Date	Chamber	Action
4/11/2023	Senate	<ul style="list-style-type: none"> • Read 2nd time -SJ 344 • Amendment(s) adopted (415792, 708856) -SJ 344 • Read 3rd time -SJ 347 • CS passed as amended; YEAS 38 NAYS 0 -SJ 347
4/12/2023	House	<ul style="list-style-type: none"> • In Messages
5/1/2023	House	<ul style="list-style-type: none"> • Bill referred to House Calendar • Bill added to Special Order Calendar (5/2/2023) • 1st Reading (Engrossed 1)
5/2/2023	House	<ul style="list-style-type: none"> • Read 2nd time • Amendment 048607 adopted • Placed on 3rd reading • Added to Third Reading Calendar
5/3/2023	House	<ul style="list-style-type: none"> • Read 3rd time • CS passed as amended; YEAS 95, NAYS 17
5/3/2023	Senate	<ul style="list-style-type: none"> • In returning messages
5/4/2023	Senate	<ul style="list-style-type: none"> • Amendment(s) to House amendment(s) adopted (790990) -SJ 870 • Concurred in House amendment(s) as amended (048607) -SJ 874 • CS passed as amended; YEAS 31 NAYS 8 -SJ 874
5/4/2023	House	<ul style="list-style-type: none"> • In Messages • Added to Senate Message List • Amendment 790990 Concur • CS passed as amended; YEAS 95, NAYS 17
5/4/2023	Senate	<ul style="list-style-type: none"> • Ordered engrossed, then enrolled
5/8/2023		<ul style="list-style-type: none"> • Signed by Officers and presented to Governor • Approved by Governor
5/9/2023		<ul style="list-style-type: none"> • Chapter No. 2023-33

Related Bills

Bill Number	Subject	Filed By	Relationship	Last Action and Location	Track Bills
H 1355 (c2)	Interests of Foreign Countries	Judiciary Committee	Similar	Last Action: 5/2/2023 H Laid on Table, refer to CS/CS/SB 264	
H 645 (er)	Unmanned Aircraft Systems Act	Transportation & Modals Subcommittee	Compare	Last Action: 5/26/2023 Chapter No. 2023-147	

Bill Number	Subject	Filed By	Relationship	Last Action and Location	Track Bills
H 835	Purchase or Acquisition of Real Property and Strategic Assets by People's Republic of China	Waldron	Compare	Last Action: 5/5/2023 H Died in State Affairs Committee	
S 908 (c2)	Unmanned Aircraft Systems Act	Rodriguez	Compare	Last Action: 5/1/2023 S Laid on Table, refer to CS/CS/HB 645 -SJ 656	
S 924	Purchase or Acquisition of Real Property and Strategic Assets by the People's Republic of China	Berman	Compare	Last Action: 5/5/2023 S Died in Judiciary	

Bill Text

Version	Posted	Format
S 264 Filed	3/2/2023 12:01 PM	Web Page PDF
S 264 c1	3/15/2023 4:27 PM	Web Page PDF
S 264 c2	3/23/2023 9:03 AM	Web Page PDF
S 264 e1	4/11/2023 5:47 PM	Web Page PDF
S 264 e2	5/6/2023 7:25 AM	Web Page PDF
S 264 er	5/6/2023 7:39 AM	Web Page PDF

Committee Amendments

S 264 Filed

Amendment	Sponsor	Filed	Last Committee Action	Format
606852 - Amendment Delete line 231 and insert:	Judiciary (Collins)	3/13/2023 3:31 PM	Replaced by Committee Substitute 3/15/2023	Web Page PDF
647298 - Amendment Delete lines 333 - 336 and insert:	Judiciary (Collins)	3/13/2023 3:32 PM	Replaced by Committee Substitute 3/15/2023	Web Page PDF

S 264 c1

Amendment	Sponsor	Filed	Last Committee Action	Format
-----------	---------	-------	-----------------------	--------

Amendment	Sponsor	Filed	Last Committee Action	Format
833514 - Amendment Delete lines 293 - 663 and insert:	Rules (Collins)	3/21/2023 10:50 AM	Replaced by Committee Substitute 3/22/2023	Web Page PDF

Floor Amendments

S 264 c2

Amendments	Sponsor	Filed	Last Floor Action	Format
708856 - Amendment Delete lines 250 - 617 and insert:	Collins	4/10/2023 12:38 PM	Senate: Adopted 4/11/2023	Web Page PDF
415792 - Amendment Between lines 276 and 277 insert:	Collins	4/10/2023 12:53 PM	Senate: Adopted 4/11/2023	Web Page PDF

S 264 e1

Amendments	Sponsor	Filed	Last Floor Action	Format
639273 - Amendment Remove lines 261-462 and insert:	Borrero	5/1/2023 2:46 PM	House: Withdrawn 5/2/2023	PDF
048607 - Amendment Remove lines 262-634 and insert:	Borrero	5/2/2023 7:31 AM	Senate: Concurred as Amended 5/4/2023	PDF
↳ 790990 - S Amend. to H Amend. (048607) Delete lines 5 - 377 and insert:	Collins	5/4/2023 5:06 PM	House: Concur 5/4/2023	Web Page PDF
510709 - Amendment Remove lines 428-547 and insert:	Borrero	4/27/2023 9:51 AM	House: Withdrawn 5/2/2023	PDF
↳ 353175 - Amendment to Amendment (510709) Remove lines 165-170 and insert:	Driskell	4/30/2023 4:43 PM	House: Withdrawn 5/2/2023	PDF

Bill Analyses

Type	Analysis	Author	Posted	Format
Bill Analysis	S 264	Judiciary (Pre-Meeting)	3/13/2023 3:30 PM	PDF
Bill Analysis	S 264	Judiciary (Post-Meeting)	3/15/2023 2:45 PM	PDF
Bill Analysis	S 264	Rules (Pre-Meeting)	3/21/2023 8:36 AM	PDF
Bill Analysis	S 264	Rules (Post-Meeting)	3/22/2023 6:05 PM	PDF
House Message Summary	S 264	Judiciary	5/3/2023 1:38 PM	PDF

Vote History - Committee

Version	Committee	Date	Result
S 264 Filed	Judiciary	3/14/2023 4:00 PM	12 Yeas - 0 Nays
S 264 c1	Rules	3/22/2023 8:30 AM	18 Yeas - 0 Nays

Vote History - Floor

Vote	Date	Chamber	Result
S 264 c2	4/11/2023 4:56 PM	Senate	38 Yeas - 0 Nays
S 264 e1	5/3/2023 1:18 PM	House	95 Yeas - 17 Nays
S 264 e1	5/4/2023 5:48 PM	Senate	31 Yeas - 8 Nays
S 264 e1	5/4/2023 6:44 PM	House	95 Yeas - 17 Nays

Citations - Statutes (10)

Citation	Catchline	Location in Bill	Location In Bill Help
287.138		Page 5 (PDF)	
288.007		Page 8 (PDF)	
408.051	Florida Electronic Health Records Exchange Act.	Page 25 (PDF)	
408.810	Minimum licensure requirements.	Page 28 (PDF)	
692.201		Page 9 (PDF)	
692.202		Page 11 (PDF)	
692.203		Page 15 (PDF)	
692.204		Page 20 (PDF)	
692.205		Page 25 (PDF)	
836.05	Threats; extortion.	Page 29 (PDF)	

Citations - Constitution (0)

No Constitutional citations.

Citations - Chapter Law (0)

No Chapter Law citations.

Disclaimer: The information on this system is unverified. The journals or printed bills of the respective chambers should be consulted for official purposes.

Copyright © 2000- 2023 State of Florida.

EXHIBIT 31

By Senator Collins

14-01842F-23

2023264__

1 A bill to be entitled
2 An act relating to interests of foreign countries;
3 creating s. 287.138, F.S.; defining terms; prohibiting
4 governmental entities from knowingly entering into
5 certain contracts; prohibiting governmental entities
6 from taking specified actions after a specified date
7 relating to contracts that give certain access to
8 personal identifying information; providing an
9 exception; authorizing the Attorney General to bring a
10 civil action; providing penalties; requiring penalties
11 to be deposited into the General Revenue Fund;
12 requiring the Department of Management Services to
13 adopt rules; creating s. 288.007, F.S.; defining
14 terms; prohibiting governmental entities from
15 knowingly entering into certain contracts; requiring
16 government entities to require an affidavit from
17 applicants before providing any economic incentive;
18 requiring the Department of Economic Opportunity to
19 adopt rules; providing a directive to the Division of
20 Law Revision to create part III of ch. 692, F.S., to
21 be entitled "Conveyances to Foreign Entities";
22 creating s. 692.201, F.S.; defining terms; creating
23 ss. 692.202 and 692.203, F.S.; prohibiting foreign
24 principals from purchasing agricultural land, or
25 interest in such land, and certain real property in
26 the state, respectively; authorizing foreign
27 principals to continue to own or hold such land or
28 property under certain circumstances; requiring
29 certain foreign principals that own or acquire such

14-01842F-23

2023264__

30 land or real property to register with a specified
31 department; requiring the Department of Agriculture
32 and Consumer Services and the Department of Economic
33 Opportunity, respectively, to establish a form for
34 such registration; providing civil penalties;
35 authorizing the Department of Agriculture and Consumer
36 Services and the Department of Economic Opportunity to
37 place a lien against unregistered agricultural land or
38 real property, respectively; requiring certain foreign
39 principals to sell, transfer, or otherwise divest
40 themselves of certain agricultural land or real
41 property within a specified timeframe; requiring
42 buyers of such land or property to provide a signed
43 affidavit; specifying that the failure to maintain or
44 obtain the affidavit does not affect the title or
45 insurability of the title for the agricultural land or
46 real property, respectively; authorizing the Florida
47 Real Estate Commission to adopt rules; authorizing
48 certain agricultural land or real property to be
49 forfeited to the state; authorizing the Department of
50 Agriculture and Consumer Services and the Department
51 of Economic Opportunity to initiate civil actions for
52 forfeiture of the interest in agricultural land or
53 real property, respectively; requiring such actions to
54 be filed in a certain circuit court; requiring clerks
55 to record a lis pendens; requiring courts to advance
56 the cause on the calendar; authorizing defendants to
57 petition to modify or discharge the lis pendens;
58 requiring the court to enter a specified final

14-01842F-23

2023264__

59 judgment under certain circumstances; authorizing the
60 Department of Agriculture and Consumer Services and
61 the Department of Economic Opportunity, respectively,
62 to sell the agricultural land or real property;
63 providing requirements for the proceeds from such
64 sale; authorizing the Department of Agriculture and
65 Consumer Services and the Department of Economic
66 Opportunity, respectively, to seek a specified ex
67 parte order; providing criminal penalties; requiring
68 the Department of Agriculture and Consumer Services
69 and the Department of Economic Opportunity,
70 respectively, to adopt rules; creating s. 692.204,
71 F.S.; prohibiting the People's Republic of China, the
72 Chinese Communist Party, any other political party or
73 member of a political party in the People's Republic
74 of China, and certain persons and entities from
75 purchasing or acquiring real property in the state;
76 providing an exception; authorizing such persons and
77 entities to continue to own or hold such real property
78 under certain circumstances; requiring certain persons
79 or entities that own or acquire real property in the
80 state to register with the Department of Economic
81 Opportunity by a specified date; requiring the
82 Department of Economic Opportunity to establish a form
83 for such registration; providing civil penalties;
84 authorizing the Department of Economic Opportunity to
85 place a lien against unregistered real property;
86 requiring certain persons and entities to sell,
87 transfer, or otherwise divest themselves of certain

14-01842F-23

2023264__

88 real property within a specified timeframe; requiring
89 buyers of real property to provide a signed affidavit;
90 specifying that the failure to maintain or obtain the
91 affidavit does not affect the title or insurability of
92 the title for the real property; authorizing the
93 commission to adopt rules; authorizing certain real
94 property to be forfeited to the state; authorizing the
95 Department of Economic Opportunity to initiate civil
96 actions for forfeiture of the interest in real
97 property; requiring such actions to be filed in a
98 certain circuit court; requiring clerks to record a
99 lis pendens; requiring courts to advance the cause on
100 the calendar; authorizing defendants to petition to
101 modify or discharge the lis pendens; requiring the
102 court to enter a specified final judgment under
103 certain circumstances; authorizing the Department of
104 Economic Opportunity to sell the real property;
105 providing requirements for the proceeds from such
106 sale; authorizing the Department of Economic
107 Opportunity to seek a specified ex parte order;
108 providing criminal penalties; requiring the Department
109 of Economic Opportunity to adopt rules; amending s.
110 408.051, F.S.; defining the terms "cloud computing"
111 and "health care provider"; requiring that certain
112 information held by health care providers that utilize
113 certified electronic health record technology be
114 maintained in the continental United States; providing
115 applicability; amending s. 408.810, F.S.; requiring a
116 licensee to sign a specified affidavit upon initial

14-01842F-23

2023264__

117 application for a license and any renewal
118 applications; authorizing disciplinary action by the
119 Agency for Health Care Administration; prohibiting a
120 person or entity that possesses a controlling interest
121 from holding an interest in certain entities;
122 providing definitions; amending s. 836.05, F.S.;

123 providing enhanced criminal penalties for threatening
124 a person while acting as a foreign agent with the
125 intent of benefiting a foreign country of concern;
126 providing an effective date.

127
128 Be It Enacted by the Legislature of the State of Florida:

129
130 Section 1. Section 287.138, Florida Statutes, is created to
131 read:

132 287.138 Contracting with entities of foreign countries of
133 concern prohibited.-

134 (1) As used in this section, the term:

135 (a) "Controlling interest" means possession of the power to
136 direct or cause the direction of the management or policies of a
137 company, whether through ownership of securities, by contract,
138 or otherwise. A person or entity that directly or indirectly has
139 the right to vote 25 percent or more of the voting interests of
140 the company or is entitled to 25 percent or more of its profits
141 is presumed to possess a controlling interest.

142 (b) "Department" means the Department of Management
143 Services.

144 (c) "Foreign country of concern" means the People's
145 Republic of China, the Russian Federation, the Islamic Republic

14-01842F-23

2023264__

146 of Iran, the Democratic People's Republic of Korea, the Republic
147 of Cuba, the Venezuelan regime of Nicolás Maduro, or the Syrian
148 Arab Republic, including any agency of or any other entity of
149 significant control of such foreign country of concern.

150 (d) "Governmental entity" means any state, county,
151 district, authority, or municipal officer, department, division,
152 board, bureau, commission, or other separate unit of government
153 created or established by law including, but not limited to, the
154 Commission on Ethics, the Public Service Commission, the Office
155 of Public Counsel, and any other public or private agency,
156 person, partnership, corporation, or business entity acting on
157 behalf of any public agency.

158 (2) A governmental entity may not knowingly enter into a
159 contract with an entity which would give access to an
160 individual's personal identifying information if:

161 (a) The entity is owned by the government of a foreign
162 country of concern;

163 (b) The government of a foreign country of concern has a
164 controlling interest in the entity; or

165 (c) The entity is organized under the laws of or has its
166 principal place of business in a foreign country of concern.

167 (3) Beginning July 1, 2025, a governmental entity may not
168 extend or renew a contract with an entity listed in paragraphs
169 (2) (a)-(c) if the contract would give such entity access to an
170 individual's personal identifying information.

171 (4) (a) Beginning January 1, 2024, a governmental entity may
172 not accept a bid on, a proposal for, or a reply to, or enter
173 into, a contract with an entity which would grant the entity
174 access to an individual's personal identifying information

14-01842F-23

2023264__

175 unless the entity provides the governmental entity with an
176 affidavit signed by an officer or representative of the entity
177 under penalty of perjury attesting that the entity does not meet
178 any of the criteria in paragraphs (2) (a)-(c).

179 (b) Beginning July 1, 2025, when an entity extends or
180 renews a contract with a governmental entity which would grant
181 the entity access to an individual's personal identifying
182 information, the entity must provide the governmental entity
183 with an affidavit signed by an officer or representative of the
184 entity under penalty of perjury attesting that the entity does
185 not meet any of the criteria in paragraphs (2) (a)-(c).

186 (5) The Attorney General may bring a civil action in any
187 court of competent jurisdiction against an entity that violates
188 this section. Violations of this section may result in:

189 (a) A civil penalty equal to twice the amount of the
190 contract for which the entity submitted a bid or proposal for,
191 replied to, or entered into;

192 (b) Ineligibility to enter into, renew, or extend any
193 contract, including any grant agreements, with any governmental
194 entity for up to 5 years;

195 (c) Ineligibility to receive or renew any license,
196 certification, or credential issued by a governmental entity for
197 up to 5 years; and

198 (d) Placement on the suspended vendor list pursuant to s.
199 287.1351.

200 (6) Any penalties collected under subsection (5) must be
201 deposited into the General Revenue Fund.

202 (7) The department shall adopt rules to implement this
203 section, including rules establishing the form for the affidavit

14-01842F-23

2023264__

204 required under subsection (4).

205 Section 2. Section 288.007, Florida Statutes, is created to
206 read:

207 288.007 Economic incentives to foreign countries of concern
208 prohibited.-

209 (1) As used in this section, the term:

210 (a) "Controlled by" means having possession of the power to
211 direct or cause the direction of the management or policies of a
212 company, whether through ownership of securities, by contract,
213 or otherwise. A person or entity that directly or indirectly has
214 the right to vote 25 percent or more of the voting interests of
215 the company or that is entitled to 25 percent or more of its
216 profits is presumed to control the foreign entity.

217 (b) "Economic incentive" means all programs administered
218 by, or for which an applicant for the program must seek
219 certification, approval, or other action by, the department
220 under this chapter, chapter 212, or chapter 220; and all local
221 economic development programs, grants, or financial benefits
222 administered by a political subdivision or an agent thereof.

223 (c) "Foreign country of concern" has the same meaning as in
224 s. 692.201.

225 (d) "Foreign entity" means an entity that is:

226 1. Owned or controlled by the government of a foreign
227 country of concern; or

228 2. A partnership, association, corporation, organization,
229 or other combination of persons organized under the laws of or
230 having its principal place of business in a foreign country of
231 concern.

232 (e) "Government entity" means a state agency, a political

14-01842F-23

2023264__

233 subdivision, or any other public or private agency, person,
234 partnership, corporation, or business entity acting on behalf of
235 any public agency.

236 (2) A government entity may not knowingly enter into an
237 agreement or contract for an economic incentive with a foreign
238 entity.

239 (3) Before providing any economic incentive, a government
240 entity must require the recipient or applicant to provide the
241 government entity with an affidavit signed under penalty of
242 perjury attesting that the recipient or applicant is not a
243 foreign entity.

244 (4) The department shall adopt rules to administer this
245 section, including rules establishing the form for the affidavit
246 required under subsection (3).

247 Section 3. The Division of Law Revision is directed to
248 create part III of chapter 692, Florida Statutes, consisting of
249 ss. 692.201, 692.202, 692.203, and 692.204, Florida Statutes, to
250 be entitled "Conveyances to Foreign Entities."

251 Section 4. Section 692.201, Florida Statutes, is created to
252 read:

253 692.201 Definitions.—As used in this part, the term:

254 (1) "Agricultural land" means land classified as
255 agricultural under s. 193.461.

256 (2) "Critical infrastructure facility" means any of the
257 following, if it employs measures such as fences, barriers, or
258 guard posts that are designed to exclude unauthorized persons:

259 (a) A chemical manufacturing facility.

260 (b) A refinery.

261 (c) An electrical power plant as defined in s. 403.031(20),

14-01842F-23

2023264__

262 including a substation, switching station, electrical control
263 center, or electric transmission or distribution facility.

264 (d) A water intake structure, water treatment facility,
265 wastewater treatment plant, or pump station.

266 (e) A natural gas transmission compressor station.

267 (f) A liquid natural gas terminal or storage facility.

268 (g) A telecommunications central switching office.

269 (h) An inland port or other facility or group of facilities
270 serving as a point of intermodal transfer of freight in a
271 specific area physically separated from a seaport.

272 (i) A gas processing plant, including a plant used in the
273 processing, treatment, or fractionation of natural gas.

274 (j) A seaport as listed in s. 311.09.

275 (k) A spaceport territory as defined in s. 331.303(18).

276 (3) "Foreign country of concern" means the People's
277 Republic of China, the Russian Federation, the Islamic Republic
278 of Iran, the Democratic People's Republic of Korea, the Republic
279 of Cuba, the Venezuelan regime of Nicolás Maduro, or the Syrian
280 Arab Republic, including any agency of or any other entity of
281 significant control of such foreign country of concern.

282 (4) "Foreign principal" means:

283 (a) The government or any official of the government of a
284 foreign country of concern;

285 (b) A political party or member of a political party or any
286 subdivision of a political party in a foreign country of
287 concern;

288 (c) A partnership, association, corporation, organization,
289 or other combination of persons organized under the laws of or
290 having its principal place of business in a foreign country of

14-01842F-23

2023264__

291 concern; or

292 (d) Any person who is domiciled in a foreign country of
293 concern and is not a citizen of the United States.

294 (5) "Military installation" has the same meaning as in 10
295 U.S.C. s. 2801(c) (4) and includes an armory as defined in s.
296 250.01.

297 (6) "Real property" means land, buildings, fixtures, and
298 all other improvements to land.

299 Section 5. Section 692.202, Florida Statutes, is created to
300 read:

301 692.202 Purchase of agricultural land by foreign principals
302 prohibited.—

303 (1) A foreign principal may not directly or indirectly own
304 or acquire by purchase, grant, devise, or descent agricultural
305 land or any interest in such land in the state. This prohibition
306 does not apply to a foreign principal that acquires agricultural
307 land for a diplomatic purpose that is recognized, acknowledged,
308 or allowed by the Federal Government.

309 (2) A foreign principal that directly or indirectly owns or
310 acquires agricultural land or any interest in such land in the
311 state before July 1, 2023, may continue to own or hold such land
312 or interest, but may not purchase or otherwise acquire by grant,
313 devise, or descent any additional agricultural land or interest
314 in such land in the state.

315 (3) (a) A foreign principal that directly or indirectly owns
316 or acquires agricultural land or any interest in such land in
317 the state before July 1, 2023, must register with the Department
318 of Agriculture and Consumer Services by January 1, 2024. The
319 department must establish a form for such registration, which,

14-01842F-23

2023264__

320 at minimum, must include all of the following:

321 1. The name of the owner of the agricultural land or the
322 owner of the interest in such land.

323 2. The address of the agricultural land, the property
324 appraiser's parcel identification number, and the property's
325 legal description.

326 3. The number of acres of the agricultural land.

327 (b) A foreign principal that fails to timely file a
328 registration with the department is subject to a civil penalty
329 of \$1,000 for each day that the registration is late. The
330 department may place a lien against the unregistered
331 agricultural land for the unpaid balance of any penalties
332 assessed under this paragraph.

333 (4) A foreign principal that acquires agricultural land on
334 or after July 1, 2023, by devise or descent, through the
335 enforcement of security interests, or through the collection of
336 debts must sell, transfer, or otherwise divest itself of the
337 agricultural land within 2 years after acquiring the
338 agricultural land.

339 (5) At the time of purchase, a buyer of agricultural land
340 or an interest in such land must provide an affidavit signed
341 under penalty of perjury attesting to compliance with this
342 section. The failure to obtain or maintain the affidavit does
343 not affect the title or insurability of the title for the
344 agricultural land. The Florida Real Estate Commission shall
345 adopt rules to implement this subsection, including rules
346 establishing the form for the affidavit required under this
347 subsection.

348 (6) (a) The agricultural land or an interest in such land

14-01842F-23

2023264__

349 that is owned or acquired in violation of this section may be
350 forfeited to the state.

351 (b) The Department of Agriculture and Consumer Services may
352 initiate a civil action in the circuit court of the county in
353 which the property lies for the forfeiture of the agricultural
354 land or any interest therein.

355 (c) Upon filing such action, the clerk must record a lis
356 pendens in accordance with s. 48.23. The court must advance the
357 cause on the calendar. The defendant may at any time petition to
358 modify or discharge the lis pendens based upon a finding that
359 there is no probable cause to believe that the agricultural
360 land, or any portion thereof, is owned or held in violation of
361 this section.

362 (d) If the court finds that the agricultural land, or any
363 portion thereof, is owned or held in violation of this section,
364 the court must enter a final judgment of forfeiture vesting
365 title to the agricultural land in the state, subject only to the
366 rights and interests of bona fide lienholders, and such final
367 judgment relates back to the date of the lis pendens.

368 (e) The department may sell the agricultural land subject
369 to a final judgment of forfeiture. Any proceeds from the sale
370 must first be paid to any lienholders of the land, followed by
371 payment of any outstanding fines assessed pursuant to this
372 section, after which the department must be reimbursed for all
373 costs related to the forfeiture civil action and any costs
374 related to the sale of the land. Any remaining proceeds must be
375 paid to the property owner.

376 (f) At any time during the forfeiture proceeding the
377 department may seek an ex parte order of seizure of the

14-01842F-23

2023264__

378 agricultural land upon a showing that the defendant's control of
379 the agricultural land constitutes a clear and present danger to
380 the state.

381 (7) A foreign principal that purchases or acquires
382 agricultural land or any interest therein in violation of this
383 section commits a misdemeanor of the second degree, punishable
384 as provided in s. 775.082 or s. 775.083.

385 (8) A person who knowingly sells agricultural land or any
386 interest therein in violation of this section commits a
387 misdemeanor of the second degree, punishable as provided in s.
388 775.082 or s. 775.083.

389 (9) The Department of Agriculture and Consumer Services
390 shall adopt rules to implement this section.

391 Section 6. Section 692.203, Florida Statutes, is created to
392 read:

393 692.203 Purchase of real property around military
394 installations and critical infrastructure facilities by foreign
395 principals prohibited.—

396 (1) A foreign principal may not directly or indirectly own
397 or acquire by purchase, grant, devise, or descent any interest
398 in real property within 20 miles of any military installation or
399 critical infrastructure facility in the state. This prohibition
400 does not apply to a foreign principal that acquires real
401 property for a diplomatic purpose that is recognized,
402 acknowledged, or allowed by the Federal Government.

403 (2) A foreign principal that directly or indirectly owns or
404 acquires any interest in real property within 20 miles of any
405 military installation or critical infrastructure facility in the
406 state before July 1, 2023, may continue to own or hold such real

14-01842F-23

2023264__

407 property, but may not purchase or otherwise acquire by grant,
408 devise, or descent any additional real property within 20 miles
409 of any military installation or critical infrastructure facility
410 in the state.

411 (3) (a) A foreign principal that owns or acquires real
412 property within 20 miles of any military installation or
413 critical infrastructure facility in the state before July 1,
414 2023, must register with the Department of Economic Opportunity
415 by January 1, 2024. The department must establish a form for
416 such registration which, at a minimum, must include all of the
417 following:

418 1. The name of the owner of the real property.
419 2. The address of the real property, the property
420 appraiser's parcel identification number, and the property's
421 legal description.

422 (b) A foreign principal that fails to timely file a
423 registration with the department is subject to a civil penalty
424 of \$1,000 for each day that the registration is late. The
425 department may place a lien against the unregistered real
426 property for the unpaid balance of any penalties assessed under
427 this paragraph.

428 (4) A foreign principal that acquires real property or any
429 interest therein which is within 20 miles of any military
430 installation or critical infrastructure facility in the state on
431 or after July 1, 2023, by devise or descent, through the
432 enforcement of security interests, or through the collection of
433 debts must sell, transfer, or otherwise divest itself of such
434 real property within 2 years after acquiring the real property.

435 (5) At the time of purchase, a buyer of real property that

14-01842F-23

2023264__

436 is located within 20 miles of any military installation or
437 critical infrastructure facility in the state must provide an
438 affidavit signed under penalty of perjury attesting to
439 compliance with this section. The failure to obtain or maintain
440 the affidavit does not affect the title or insurability of the
441 title for the real property. The Florida Real Estate Commission
442 shall adopt rules to implement this subsection, including rules
443 establishing the form for the affidavit required under this
444 subsection.

445 (6) (a) If any real property is owned or acquired in
446 violation of this section, the real property may be forfeited to
447 the state.

448 (b) The Department of Economic Opportunity may initiate a
449 civil action in the circuit court of the county in which the
450 property lies for the forfeiture of the real property or any
451 interest therein.

452 (c) Upon filing such action, the clerk must record a lis
453 pendens in accordance with s. 48.23. The court must advance the
454 cause on the calendar. The defendant may at any time petition to
455 modify or discharge the lis pendens based upon a finding that
456 there is no probable cause to believe that the real property, or
457 any portion thereof, is owned or held in violation of this
458 section.

459 (d) If the court finds that the real property, or any
460 portion thereof, is owned or held in violation of this section,
461 the court must enter a final judgment of forfeiture vesting
462 title to the real property in the state, subject only to the
463 rights and interests of bona fide lienholders, and such final
464 judgment relates back to the date of the lis pendens.

14-01842F-23

2023264__

465 (e) The department may sell the real property subject to a
466 final judgment of forfeiture. Any proceeds from the sale must
467 first be paid to any lienholders of the land, followed by
468 payment of any outstanding fines assessed pursuant to this
469 section, after which the department must be reimbursed for all
470 costs related to the forfeiture civil action and any costs
471 related to the sale of the land. Any remaining proceeds must be
472 paid to the property owner.

473 (f) At any time during the forfeiture proceeding the
474 department may seek an ex parte order of seizure of the real
475 property upon a showing that the defendant's control of the real
476 property constitutes a clear and present danger to the state.

477 (7) A foreign principal that purchases or acquires real
478 property or any interest therein in violation of this section
479 commits a misdemeanor of the second degree, punishable as
480 provided in s. 775.082 or s. 775.083.

481 (8) A person who knowingly sells real property or any
482 interest therein in violation of this section commits a
483 misdemeanor of the second degree, punishable as provided in s.
484 775.082 or s. 775.083.

485 (9) The Department of Economic Opportunity shall adopt
486 rules to implement this section.

487 Section 7. Section 692.204, Florida Statutes, is created to
488 read:

489 692.204 Purchase or acquisition of real property by the
490 People's Republic of China prohibited.-

491 (1) (a) The following persons or entities may not directly
492 or indirectly own or acquire by purchase, grant, devise, or
493 descent any interest in real property in the state:

14-01842F-23

2023264__

494 1. The People's Republic of China, the Chinese Communist
495 Party, or any official or member of the People's Republic of
496 China or the Chinese Communist Party.

497 2. Any other political party or member of a political party
498 or a subdivision of a political party in the People's Republic
499 of China.

500 3. A partnership, an association, a corporation, an
501 organization, or any other combination of persons organized
502 under the laws of or having its principal place of business in
503 the People's Republic of China.

504 4. Any person who is domiciled in the People's Republic of
505 China and who is not a citizen of the United States.

506 (b) Paragraph (a) does not apply to a person or entity of
507 the People's Republic of China that acquires real property for a
508 diplomatic purpose that is recognized, acknowledged, or allowed
509 by the Federal Government.

510 (2) A person or entity described in paragraph (1)(a) that
511 directly or indirectly owns or acquires any interest in real
512 property in the state before July 1, 2023, may continue to own
513 or hold such real property, but may not purchase or otherwise
514 acquire by grant, devise, or descent any additional real
515 property in the state.

516 (3)(a) A person or entity described in paragraph (1)(a)
517 that owns or acquires real property in the state before July 1,
518 2023, must register with the Department of Economic Opportunity
519 by January 1, 2024. The department must establish a form for
520 such registration which, at a minimum, must include all of the
521 following:

522 1. The name of the owner of the real property.

14-01842F-23

2023264__

523 2. The address of the real property, the property
524 appraiser's parcel identification number, and the property's
525 legal description.

526 (b) A person or entity that fails to timely file a
527 registration with the department is subject to a civil penalty
528 of \$1,000 for each day that the registration is late. The
529 department may place a lien against the unregistered real
530 property for the unpaid balance of any penalties assessed under
531 this paragraph.

532 (4) A person or entity that acquires real property in the
533 state on or after July 1, 2023, by devise or descent, through
534 the enforcement of security interests, or through the collection
535 of debts must sell, transfer, or otherwise divest itself of such
536 real property within 2 years after acquiring the real property
537 unless the person or entity is exempt under paragraph (1) (b).

538 (5) At the time of purchase, a buyer of real property in
539 the state must provide an affidavit signed under penalty of
540 perjury attesting to compliance with this section. The failure
541 to obtain or maintain the affidavit does not affect the title or
542 insurability of the title for the real property. The Florida
543 Real Estate Commission shall adopt rules to implement this
544 subsection, including rules establishing the form for the
545 affidavit required under this subsection.

546 (6) (a) If any real property is owned or acquired in
547 violation of this section, the real property may be forfeited to
548 the state.

549 (b) The Department of Economic Opportunity may initiate a
550 civil action in the circuit court of the county in which the
551 property lies for the forfeiture of the real property or any

14-01842F-23

2023264__

552 interest therein.

553 (c) Upon filing such action, the clerk must record a lis
554 pendens in accordance with s. 48.23. The court must advance the
555 cause on the calendar. The defendant may at any time petition to
556 modify or discharge the lis pendens based upon a finding that
557 there is no probable cause to believe that the real property, or
558 any portion thereof, is owned or held in violation of this
559 section.

560 (d) If the court finds that the real property, or any
561 portion thereof, is owned or held in violation of this section,
562 the court must enter a final judgment of forfeiture vesting
563 title to the real property in the state, subject only to the
564 rights and interests of bona fide lienholders, and such final
565 judgment relates back to the date of the lis pendens.

566 (e) The department may sell the real property subject to a
567 final judgment of forfeiture. Any proceeds from the sale must
568 first be paid to any lienholders of the land, followed by
569 payment of any outstanding fines assessed pursuant to this
570 section, after which the department must be reimbursed for all
571 costs related to the forfeiture civil action and any costs
572 related to the sale of the land. Any remaining proceeds must be
573 paid to the property owner.

574 (f) At any time during the forfeiture proceeding the
575 department may seek an ex parte order of seizure of the real
576 property upon a showing that the defendant's control of the real
577 property constitutes a clear and present danger to the state.

578 (7) A violation of this section constitutes a felony of the
579 third degree, punishable as provided in s. 775.082, s. 775.083,
580 or s. 775.084.

14-01842F-23

2023264__

581 (8) A person who sells real property or any interest
582 therein in violation of this section commits a misdemeanor of
583 the first degree, punishable as provided in s. 775.082 or s.
584 775.083.

585 (9) The Department of Economic Opportunity shall adopt
586 rules to implement this section.

587 Section 8. Present subsections (3), (4), and (5) of section
588 408.051, Florida Statutes, are redesignated as subsections (4),
589 (5), and (6), respectively, a new subsection (3) is added to
590 that section, and subsection (2) of that section is reordered
591 and amended, to read:

592 408.051 Florida Electronic Health Records Exchange Act.—

593 (2) DEFINITIONS.—As used in this section, the term:

594 (a) "Electronic health record" means a record of a person's
595 medical treatment which is created by a licensed health care
596 provider and stored in an interoperable and accessible digital
597 format.

598 (i)~~(b)~~ "Qualified electronic health record" means an
599 electronic record of health-related information concerning an
600 individual which includes patient demographic and clinical
601 health information, such as medical history and problem lists,
602 and which has the capacity to provide clinical decision support,
603 to support physician order entry, to capture and query
604 information relevant to health care quality, and to exchange
605 electronic health information with, and integrate such
606 information from, other sources.

607 (b)~~(e)~~ "Certified electronic health record technology"
608 means a qualified electronic health record that is certified
609 pursuant to s. 3001(c)(5) of the Public Health Service Act as

14-01842F-23

2023264__

610 meeting standards adopted under s. 3004 of such act which are
611 applicable to the type of record involved, such as an ambulatory
612 electronic health record for office-based physicians or an
613 inpatient hospital electronic health record for hospitals.

614 (c) "Cloud computing" has the same meaning as in s.
615 282.0041.

616 (d) "Health care provider" means any of the following:

617 1. A provider as defined in s. 408.803.

618 2. A health care practitioner as defined in s. 456.001.

619 3. A health care professional certified under part IV of
620 chapter 468.

621 4. A home health aide as defined in s. 400.462.

622 5. A service provider as defined in s. 394.455 and the
623 service provider's clinical and nonclinical staff who provide
624 inpatient or outpatient services.

625 6. A continuing care facility licensed under chapter 651.

626 7. A pharmacy permitted under chapter 465.

627 (e)~~(d)~~ "Health record" means any information, recorded in
628 any form or medium, which relates to the past, present, or
629 future health of an individual for the primary purpose of
630 providing health care and health-related services.

631 (f)~~(e)~~ "Identifiable health record" means any health record
632 that identifies the patient or with respect to which there is a
633 reasonable basis to believe the information can be used to
634 identify the patient.

635 (g)~~(f)~~ "Patient" means an individual who has sought, is
636 seeking, is undergoing, or has undergone care or treatment in a
637 health care facility or by a health care provider.

638 (h)~~(g)~~ "Patient representative" means a parent of a minor

14-01842F-23

2023264__

639 patient, a court-appointed guardian for the patient, a health
640 care surrogate, or a person holding a power of attorney or
641 notarized consent appropriately executed by the patient granting
642 permission to a health care facility or health care provider to
643 disclose the patient's health care information to that person.
644 In the case of a deceased patient, the term also means the
645 personal representative of the estate of the deceased patient;
646 the deceased patient's surviving spouse, surviving parent, or
647 surviving adult child; the parent or guardian of a surviving
648 minor child of the deceased patient; the attorney for the
649 patient's surviving spouse, parent, or adult child; or the
650 attorney for the parent or guardian of a surviving minor child.

651 (3) SECURITY AND STORAGE OF PERSONAL MEDICAL INFORMATION.—

652 In addition to the requirements in 45 C.F.R. part 160 and
653 subparts A and C of part 164, a health care provider that
654 utilizes certified electronic health record technology must
655 ensure that all patient information stored in an offsite
656 physical or virtual environment, including through a third-party
657 or subcontracted computing facility or an entity providing cloud
658 computing services, is physically maintained in the continental
659 United States. This subsection applies to all qualified
660 electronic health records that are stored using any technology
661 that can allow information to be electronically retrieved,
662 accessed, or transmitted.

663 Section 9. Subsections (14) and (15) are added to section
664 408.810, Florida Statutes, to read:

665 408.810 Minimum licensure requirements.—In addition to the
666 licensure requirements specified in this part, authorizing
667 statutes, and applicable rules, each applicant and licensee must

14-01842F-23

2023264__

668 comply with the requirements of this section in order to obtain
669 and maintain a license.

670 (14) The licensee must sign an affidavit at the time of his
671 or her initial application for a license and on any renewal
672 applications thereafter that attests under penalty of perjury
673 that he or she is in compliance with s. 408.051(3). The licensee
674 must remain in compliance with s. 408.051(3) or the licensee
675 shall be subject to disciplinary action by the agency.

676 (15) (a) The licensee must ensure that a person or entity
677 who possesses a controlling interest does not hold, either
678 directly or indirectly, regardless of ownership structure, an
679 interest in an entity that has a business relationship with a
680 foreign country of concern or that is subject to s. 287.135.

681 (b) For purposes of this subsection, the term:

682 1. "Business relationship" means engaging in commerce in
683 any form, including, but not limited to, acquiring, developing,
684 maintaining, owning, selling, possessing, leasing, or operating
685 equipment, facilities, personnel, products, services, personal
686 property, real property, military equipment, or any other
687 apparatus of business or commerce.

688 2. "Foreign country of concern" has the same meaning as in
689 s. 692.201.

690 3. "Interest" has the same meaning as in s. 286.101(1).

691 Section 10. Section 836.05, Florida Statutes, is amended to
692 read:

693 836.05 Threats; extortion.—

694 (1) Whoever, either verbally or by a written or printed
695 communication, maliciously threatens to accuse another of any
696 crime or offense, or by such communication maliciously threatens

14-01842F-23

2023264__

697 an injury to the person, property or reputation of another, or
698 maliciously threatens to expose another to disgrace, or to
699 expose any secret affecting another, or to impute any deformity
700 or lack of chastity to another, with intent thereby to extort
701 money or any pecuniary advantage whatsoever, or with intent to
702 compel the person so threatened, or any other person, to do any
703 act or refrain from doing any act against his or her will,
704 commits ~~shall be guilty of~~ a felony of the second degree,
705 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

706 (2) A person who commits a violation of subsection (1) and
707 at the time of the violation is acting as a foreign agent, as
708 defined in s. 812.081(1), with the intent of benefiting a
709 foreign country of concern, as defined in s. 692.201, commits a
710 felony of the first degree, punishable as provided in s.
711 775.082, s. 775.083, or s. 775.084.

712 Section 11. This act shall take effect July 1, 2023.

EXHIBIT 32

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Judiciary

BILL: SB 264

INTRODUCER: Senator Collins

SUBJECT: Interests of Foreign Countries

DATE: March 13, 2023 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Collazo	Cibula	JU	Pre-meeting
2.			RC	

I. Summary:

SB 264 generally restricts both governmental entity contracting with certain foreign countries and entities of concern, as well as conveyances of agricultural lands and other interests in real property to foreign principals, the People’s Republic of China, and other entities and persons that are affiliated with them. It also amends certain electronic health record statutes to ensure that such records are physically stored in the continental U.S., not overseas.

Specifically, with respect to governmental entity contracting, the bill creates statutes that prohibit governmental entities from:

- Contracting with entities of foreign countries of concern.
- Entering into contracts for an economic incentive with a foreign entity.

And with respect to conveyances of agricultural lands, the bill creates statutes that:

- Prohibit a foreign principal from owning or acquiring agricultural land in the state.
- Prohibit a foreign principal from owning or acquiring any interest in real property within 20 miles of any military installation or critical infrastructure in the state.
- Prohibit China, Chinese Communist Party or other Chinese political party officials or members, Chinese business organizations, and persons domiciled in China, but who are not U.S. citizens, from purchasing or acquiring any interest in real property in the state.

The bill also amends:

- The Florida Electronic Health Records Act, to require that the offsite storage of certain personal medical information be physically maintained in the continental U.S.
- The Health Care Licensing Procedures Act, to require licensees to sign affidavits attesting that all patient information stored by them is being physically maintained in the continental U.S.

- The statute criminalizing threats and extortion, to provide that a person who commits a violation of the statute, and at the time is acting as a foreign agent with the intent of benefitting a foreign country of concern, commits a first degree felony.

The bill takes effect July 1, 2023.

II. Present Situation:

Foreign Ownership of U.S. Agricultural Land

Foreign ownership and investment in U.S. agricultural land has generated significant interest in recent years.¹ Several high-profile incidents have prompted lawmakers to focus their attention on evaluating and responding to the potential impacts of foreign ownership and investment on national security, trade, and food security.²

A significant example occurred last year. Fufeng Group Limited, a Chinese food manufacturer, acquired 300 acres of land near the Grand Forks Air Force Base in North Dakota in order to build a wet corn milling and biofermentation plant.³ The Air Force base, which is only about 12 miles away from the site, is believed to be the home of some of the country's most sophisticated, "top secret" military drone technology.⁴ The location of the land close to the base made it particularly convenient for monitoring air traffic flows in and out of the base, among other security-related concerns.⁵

In January, Andrew P. Hunter, Assistant Secretary of the Air Force for Acquisition, Technology and Logistics,⁶ sent U.S. Senator John Hoeven a letter providing the Air Force's official position on the project. It confirmed that "Grand Forks Air Force Base is the center of military activities related to both air and space operations" and that the department's position is "unambiguous: the proposed project presents a significant threat to national security with both near- and long-term

¹ Aleks Phillips, *What the U.S. Is Doing to Curtail Chinese Land Ownership*, NEWSWEEK, Feb. 13, 2023, <https://www.newsweek.com/chinese-land-ownership-investment-us-military-bases-1780886>.

² See Letter from Congressmen Glenn "GT" Thompson & James Comer to Gene L. Dodaro, Comptroller General of the U.S. Government Accountability Office (Oct. 1, 2022), available at https://oversight.house.gov/wp-content/uploads/2022/10/20221001_GAO_foreignlandownership.pdf (requesting that the office conduct a review of foreign investment in U.S. farmland and its impact on national security, trade, and food security).

³ Congressional Research Service (CRS), *Foreign Ownership and Holdings of U.S. Agricultural Land* (version 4, updated Jan. 24, 2023), available at <https://crsreports.congress.gov/product/pdf/IF/IF11977>.

⁴ Ariel Zilber, *Chinese firm bought North Dakota farm near U.S. Air Force drone base: report*, NEW YORK POST, Jul. 1, 2022, <https://nypost.com/2022/07/01/chinese-firm-bought-farm-near-us-air-force-drone-base-report/>; see also Letter from Thompson & Comer, *supra* note 2 (describing the technology as "top secret"); see also Lauren Greenwood, U.S.-China Economic and Security Review Commission, *China's Interests in U.S. Agriculture: Augmenting Food Security through Investment Abroad* (May 26, 2022), 11, available at https://www.uscc.gov/sites/default/files/2022-05/Chinas_Interests_in_U.S._Agriculture.pdf (noting that the Grand Forks Air Force Base "houses some of the United States' top intelligence, surveillance, and reconnaissance capabilities").

⁵ Greenwood, *supra* note 4.

⁶ U.S. Air Force, *Andrew P. Hunter* (Sept. 2022), <https://www.af.mil/About-Us/Biographies/Display/Article/3154079/andrew-p-hunter/>.

risks of significant impacts to our operations in the area.”⁷ About a week after the department issued its letter, the Grand Forks City Council abandoned the project.⁸

In addition to national security concerns, federal officials are also concerned about potential food security impacts. A recent letter from 130 lawmakers to the U.S. Government Accountability Office expressed concern that “foreign investment in U.S. farmland could result in foreign control of available U.S. farmland, especially prime agricultural lands, and possibly lead to foreign control over food production and food prices.”⁹ In a separate interview, one of the lawmakers noted that “food security is national security,” explaining that Russia was able to exercise undue influence over Europe because it supplied Europe with a significant amount of natural gas, and that China might similarly try to control food supplies in South America, Southeast Asia, and even North America, in order to exert greater coercive power around the globe.¹⁰

Other recent incidents, while not involving the acquisition of U.S. farmland, suggest that China is working aggressively to undermine U.S. interests in other ways, both at home and abroad:

- Confucius Institutes, which offer Chinese language and cultural programs, first began appearing on U.S. university campuses in 2005. Some Members of Congress and others have alleged that they may play a role in China’s efforts to influence public opinion abroad, recruit “influence agents” on U.S. campuses, and engage in cyber espionage and intellectual property theft.¹¹
- In November of last year, FBI Director Christopher Wray testified at a U.S. Senate Homeland Security and Governmental Affairs Committee hearing about the existence of certain unauthorized ‘police stations’ established by China in major U.S. cities, noting that the U.S. has made a number of indictments involving the Chinese government harassing, stalking, surveilling, and blackmailing people in the U.S. who disagreed with Chinese leader Xi Jinping.¹²
- Last month, the U.S. shot down a Chinese spy balloon after it had traversed over a large swath of North America. The Biden Administration alleged it was part of a larger Chinese surveillance-balloon program that had violated the sovereignty of nations all over the world.¹³

⁷ Letter from Andrew P. Hunter, Office of the Assistant Secretary, to U.S. Senator John Hoeven (Jan. 27, 2023), *available at* <https://www.hoeven.senate.gov/imo/media/doc/USAIRFORCE-FUFENG-LETTER-HOEVEN.pdf>.

⁸ Meghan Arbegast, *Year-long Fufeng debate comes to an end after Grand Forks council members vote to stop project*, GRAND FORKS HERALD, Feb. 6, 2023, <https://www.grandforksherald.com/news/local/year-long-fufeng-debate-comes-to-an-end-after-grand-forks-council-members-vote-to-stop-project>.

⁹ Letter from Thompson & Comer, *supra* note 2.

¹⁰ NPR, *China is buying up more U.S. farmland. Some lawmakers consider that a security threat* (Mar. 1, 2023), <https://www.npr.org/2023/03/01/1160297853/china-farmland-purchases-house-hearing-competition>.

¹¹ CRS, *Confucius Institutes in the United States: Selected Issues* (version 12, updated May 20, 2022), <https://crsreports.congress.gov/product/pdf/IF/IF11180>.

¹² Michael Martina & Ted Hesson, *FBI director ‘very concerned’ by Chinese ‘police stations’ in U.S.*, REUTERS, Nov. 17, 2022, <https://www.reuters.com/world/us/fbi-director-very-concerned-by-chinese-police-stations-us-2022-11-17/>.

¹³ Isaac Chotiner, *What’s Behind the Chinese Spy Balloon*, THE NEW YORKER, Feb. 18, 2023, <https://www.newyorker.com/news/q-and-a/whats-behind-the-chinese-spy-balloon>.

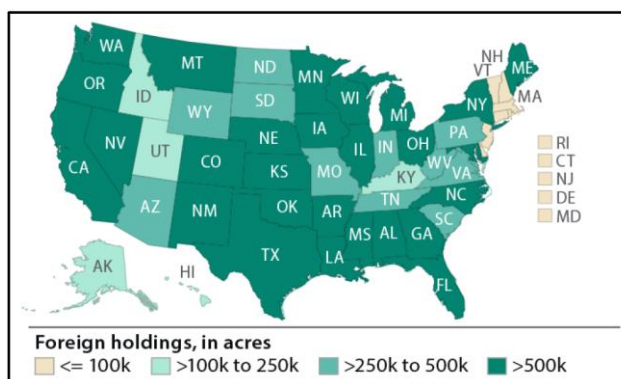
- This month, the U.S. (and Canada) issued orders banning the use of TikTok, a Chinese-owned video sharing app, on government-issued mobile devices amid growing privacy and cybersecurity concerns.¹⁴
- Also this month, U.S. defense and national security officials have raised the possibility that certain Chinese-made giant cargo cranes are being used for espionage.¹⁵

Ownership Statistics

Foreign persons and entities held an interest in 40.8 million acres of U.S. agricultural land in 2021, accounting for 3.1% of total privately owned land.¹⁶ These data cover agricultural land and nonagricultural land (e.g. associated homesteads, roads, etc.). In 2021, forestland accounted for 47% of all foreign-owned land, cropland accounted for 29%, and pasture and other agricultural land for 22%. Nonagricultural land (such as homesteads and roads) accounted for 2%. Foreign land holdings have increased by an average of 2.2 million acres per year since 2015.¹⁷

With respect to China specifically, not including the Fufeng Group Limited's purchase in 2022, the U.S. Department of Agriculture reports that China accounted for 383,935 acres, or 0.9% of total foreign-owned U.S. agricultural land as of year-end 2021.¹⁸ The department also reports that 85 Chinese investors own 275 parcels of agricultural land totaling 194,772 acres worth \$1,868,577.¹⁹

Country	Total (million acres)	U.S. Entities % of U.S.		Private Land (percent)
		Foreign Entities	w/ Foreign Shares	
Canada	12.8	9.7	3.2	1.0%
Netherlands	4.9	4.4	0.5	0.4%
Italy	2.7	2.6	0.1	0.2%
United Kingdom	2.5	1.5	1.0	0.2%
Germany	2.3	1.4	0.9	0.2%
Subtotal	25.2	19.6	5.7	2.0%
Other Countries	12.4	7.1	5.3	1.0%
Not Listed	3.2	2.4	0.8	0.3%
Total	40.8	29.1	11.7	3.1%



Foreign Holdings of Agricultural Land, 2021²⁰

As of year-end 2021, the states with the most foreign-owned agricultural acreage were Texas (5.3 million acres), Maine (3.6 million acres), Colorado (1.9 million acres), Alabama (1.8 million

¹⁴ CBS News, *TikTok banned on U.S. government devices, and the U.S. is not alone. Here's where the app is restricted* (Mar. 1, 2023), <https://www.cbsnews.com/news/tiktok-banned-us-government-where-else-around-the-world/>.

¹⁵ Kent Masing, *U.S. Concerned China-Made Cranes In American Ports Used To Spy On Military: Report*, INTERNATIONAL BUSINESS TIMES, Mar. 6, 2023, <https://www.ibtimes.com/us-concerned-china-made-cranes-american-ports-used-spy-military-report-3673964>.

¹⁶ CRS, *supra* note 3, at 2.

¹⁷ *Id.*

¹⁸ *Id.*; Farm Service Agency, U.S. Department of Agriculture, *Foreign Holdings of U.S. Agricultural Land* (through Dec. 31, 2021), 4, available at <https://www.fsa.usda.gov/programs-and-services/economic-and-policy-analysis/afida/annual-reports/index>.

¹⁹ Farm Service Agency, *supra* note 18, at 229.

²⁰ *Id.* at Table 1 and Figure 2 (internal citations omitted).

acres), and Oklahoma (1.7 million acres). Other states with more than 1 million foreign-owned acres were Arkansas, California, Florida, Georgia, Kansas, Louisiana, Michigan, New Mexico, Oregon, and Washington.²¹

According to the U.S. Department of Agriculture, of the 21,849,568 acres of privately held agricultural land in Florida, 1,382,284 acres (6.3%) are held by foreigners, which is among the highest proportions in the U.S.²² It is unclear how much of that land is owned by China, although the department does report that it owns 96,975 acres in the “South Region,” which includes Florida.²³

Existing Federal and State Laws

Federal law currently imposes no restrictions on the amount of private U.S. agricultural land that can be foreign-owned.²⁴ However, the Agricultural Foreign Investment Disclosure Act of 1978 established a nationwide system for collecting information pertaining to the foreign ownership of U.S. agricultural land,²⁵ including land used for agricultural, forestry, or timber production purposes.²⁶ For purposes of the act, foreign persons include any individual, corporation, company, association, partnership, society, joint stock company, trust, estate, or any other legal entity (including any foreign government) under the laws of a foreign government or having a principal place of business outside of the U.S.²⁷

The act’s regulations require foreign persons who buy, sell, or gain interest in U.S. agricultural land to disclose their holdings and transactions to the U.S. Department of Agriculture directly or to the Farm Service Agency county office where the land is located.²⁸ Failure to disclose this information may result in penalties and fines.²⁹ After the original disclosure, each subsequent change of ownership or use must be reported.³⁰ It should be noted that some have expressed concern that U.S. Department of Agriculture figures developed under the act may actually underestimate foreign ownership due to unreliable data collection and the definitions used by the department.³¹

The Committee on Foreign Investment in the U.S. is an interagency committee authorized to review certain transactions involving foreign investment in the U.S. and real estate transactions by foreign persons, in order to determine the effect of such transactions on national security.³² Notwithstanding recent expansions to the committee’s jurisdictional authority and review

²¹ *Id.*

²² See Farm Service Agency, *supra* note 18, at 4, 17.

²³ *Id.* at 238.

²⁴ CRS, *supra* note 3, at 1.

²⁵ Pub. L. No. 95-460, 92 Stat. 1263 (1978); 7 U.S.C. ss. 3501-3508.

²⁶ 7 U.S.C. s. 3508(1); 7 C.F.R. s. 781.2(b).

²⁷ 7 U.S.C. s. 3508(3); 7 C.F.R. s. 781.2(g).

²⁸ 7 U.S.C. s. 3501(a); 7 C.F.R. s. 781.3(a).

²⁹ 7 U.S.C. s. 3502; 7 C.F.R. ss. 781.4., 781.5.

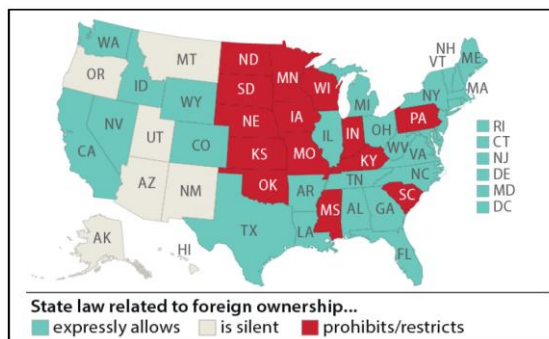
³⁰ 7 U.S.C. s. 3501(a); 7 C.F.R. s. 781.3(b).

³¹ Texas Farm Bureau, *Lawmakers ask for review of foreign ownership of U.S. farmland*, <https://texasfarmbureau.org/lawmakers-ask-for-review-of-foreign-ownership-of-u-s-farmland/> (last visited Mar. 7, 2023).

³² U.S. Department of the Treasury, *The Committee on Foreign Investment in the United States*, <https://home.treasury.gov/policy-issues/international/the-committee-on-foreign-investment-in-the-united-states-cfius> (last visited Mar. 6, 2023).

considerations,³³ there appear to be significant gaps. For example, the committee recently determined that Fufeng Group Limited's purchase near Grand Forks Air Force Base was outside of its jurisdiction and that it would therefore take no further action.³⁴

Some U.S. states and localities have instituted restrictions on the foreign ownership of farmland.³⁵ Although no state has instituted an absolute prohibition on all foreign ownership, some states have limited or proposed to prohibit certain foreign persons and entities from acquiring or owning an interest in agricultural land within their states, and several states have separate disclosure requirements within their states.³⁶



*Overview of Selected State Laws Related to Foreign Ownership of U.S. Agricultural Land*³⁷

There is no single uniform approach under state laws to addressing foreign ownership.³⁸ Some general categories include:

- Restrictions on the amount of land that can be owned or the duration of ownership.
- Distinctions involving private versus public land or how agricultural land is defined.
- Distinctions involving resident and nonresident aliens.
- Inheritance considerations involving land ownership.
- Restrictions on ownership by foreign corporations (e.g. corporate farming laws or requirements corporations are subject to in order to obtain license or register).
- Differences related to enforcement and penalties.³⁹

Currently, in Florida, foreign persons and entities have the same rights in real property as do citizens of the U.S. Foreign corporations, upon qualifying to do business in the state, have the same rights in real property as do domestic corporations. Foreign ownership of a domestic corporation has no effect on that corporation's rights in real property. No disclosure is required by any person or corporation when acquiring, holding or transferring rights in real property.⁴⁰

³³ See *id.* (discussing Executive Order 14083, the Foreign Investment Risk Review Modernization Act of 2018, and associated regulations).

³⁴ T.J. Nelson, KVVR Local News, *Fufeng USA Looking to Move Ahead with Grand Forks Project After Federal Agency Review Suddenly Ends* (Dec. 13, 2022), <https://www.kvvr.com/2022/12/13/fufeng-usa-looking-to-move-ahead-with-grand-forks-project-after-federal-agency-review-suddenly-ends/>.

³⁵ CRS *supra* note 3, at 1.

³⁶ *Id.*

³⁷ *Id.* at Figure 1 (internal citation omitted).

³⁸ *Id.* at 1.

³⁹ *Id.*

⁴⁰ See 2 INTERNATIONAL BUSINESS TRANSACTIONS s. 29:26 (3d ed., updated Nov. 2022).

Florida Electronic Health Records Act

The Florida Electronic Health Records Act⁴¹ authorizes health care providers to release or access an identifiable health record of a patient without the patient's consent for use in the treatment of that patient for an emergency medical condition, when consent cannot be obtained from the patient or the patient representative due to the patient's condition or the nature of the situation requiring immediate medical attention.⁴² It provides immunity from civil liability whenever a health care provider accesses or releases the identifiable health record in good faith under the statute. It also directs the Agency for Health Care Administration to develop a form to document patient authorization for the use or release of an identifiable health record.⁴³ The act includes definitions for the following terms: "electronic health record," "qualified electronic health record," "certified electronic health record technology," "health record," "identifiable health record," "patient," and "patient representative."⁴⁴

Health Care Licensing Procedures Act

The Health Care Licensing Procedures Act⁴⁵ provides a streamlined and consistent set of basic licensing requirements for health care providers.⁴⁶ The act is intended to minimize confusion, standardize terminology, and include issues that are not otherwise addressed in state law pertaining to specific providers.⁴⁷ Among other things, it provides certain minimum licensure requirements, with which applicants and licensees must comply in order to obtain and maintain a license.⁴⁸

Statute Criminalizing Threats and Extortion

State law criminalizes threats and extortion. One commits the crime if he or she, either verbally or by a written or printed communication:

maliciously threatens to accuse another of any crime or offense, or by such communication maliciously threatens an injury to the person, property or reputation of another, or maliciously threatens to expose another to disgrace, or to expose any secret affecting another, or to impute any deformity or lack of chastity to another, with intent thereby to extort money or any pecuniary advantage whatsoever, or with intent to compel the person so threatened, or any other person, to do any act or refrain from doing any act against his or her will[.]⁴⁹

⁴¹ Section 408.051, F.S.

⁴² Section 408.051(3), F.S.

⁴³ Section 408.051(4), F.S.

⁴⁴ Section 408.051(2), F.S.

⁴⁵ Chapter 408, Part II, F.S.; *see also* s. 408.801(1), F.S. (providing a short title).

⁴⁶ Section 408.801(2), F.S.

⁴⁷ *Id.*

⁴⁸ *See generally* s. 408.810, F.S.

⁴⁹ Section 836.05, F.S.

The crime is a second degree felony, punishable by a term of imprisonment not exceeding 15 years⁵⁰ and a \$10,000 fine,⁵¹ or possibly more under the habitual offender statute.⁵²

III. Effect of Proposed Changes:

SB 264 generally restricts both governmental entity contracting with certain foreign countries and entities of concern, as well as conveyances of agricultural lands and other interests in real property to foreign principals, the People's Republic of China, and other entities and persons that are affiliated with them. It also amends certain electronic health record statutes to ensure that such records are physically stored in the continental U.S., not overseas.

Prohibition on Governmental Entity Contracting with Entities of Foreign Countries of Concern

Section 1 of the bill creates s. 287.138, F.S., within chapter 287, part I, F.S., which governs commodities, insurance, and contractual services, to prohibit contracting between governmental entities and entities of foreign countries of concern.

The bill defines the following terms for purposes of the new statute:

- “Controlling interest” means possession of the power to direct or cause the direction of the management or policies of a company, whether through ownership of securities, by contract, or otherwise. A person or entity that directly or indirectly has the right to vote 25 percent or more of the voting interests of the company or is entitled to 25 percent or more of its profits is presumed to possess a controlling interest in that company.
- “Department” means the Department of Management Services.
- “Foreign country of concern” means:
 - The People's Republic of China.
 - The Russian Federation.
 - The Islamic Republic of Iran.
 - The Democratic People's Republic of Korea.
 - The Republic of Cuba.
 - The Venezuelan regime of Nicolás Maduro.
 - The Syrian Arab Republic.
 - Any agency of, or any other entity under the significant control of, one of the above-listed foreign countries of concern.
- “Governmental entity” means any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, but not limited to, the Commission on Ethics, the Public Service Commission, the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.

The bill provides that governmental entities may not knowingly enter into a contract with an entity which would give access to an individual's personal identifying information if:

⁵⁰ Section 775.082(3)(d), F.S.

⁵¹ Section 775.083(1)(b), F.S.

⁵² See generally s. 775.084, F.S. (providing heightened punishments for habitual offenders).

- The entity is owned by the government of a foreign country of concern;
- The government of a foreign country of concern has a controlling interest in the entity; or
- The entity is organized under the laws of or has its principal place of business in a foreign country of concern.

Additionally, the bill provides that:

- Beginning January 1, 2024, a governmental entity may not accept a bid on, a proposal for, or a reply to, or enter into, a contract with an entity which would grant the entity access to an individual's personal identifying information unless the entity provides the governmental entity with an affidavit signed by an officer or representative of the entity under penalty of perjury attesting that the entity does not meet any of the criteria in the new statute.
- Beginning July 1, 2025:
 - A governmental entity may not extend or renew a contract with one of the entities listed above if the contract would give such entity access to an individual's personal identifying information.
 - When an entity extends or renews a contract with a governmental entity which would grant the entity access to an individual's personal identifying information, the entity must provide the governmental entity with an affidavit signed by an officer or representative of the entity under penalty of perjury attesting that the entity does not meet any of the criteria in the new statute.

The bill authorizes the Attorney General to bring a civil action in any court of competent jurisdiction against an entity that violates the statute. Violations of the statute may result in:

- A civil penalty equal to twice the amount of the contract for which the entity submitted a bid or proposal for, replied to, or entered into.
- Ineligibility to enter into, renew, or extend any contract, including any grant agreements, with any governmental entity for up to 5 years.
- Ineligibility to receive or renew any license, certification, or credential issued by a governmental entity for up to 5 years.
- Placement on the suspended vendor list.⁵³

Any penalties collected from entities that violate the statute must be deposited into the General Revenue Fund.

The bill also authorizes the department to adopt rules to implement the statute, including rules establishing the form for the affidavit required under the statute.

Prohibition on Contracting for an Economic Incentive with a Foreign Entity

Section 2 of the bill creates s. 288.007, F.S., to prohibit governmental entities from entering into contracts for an economic incentive with a foreign entity.

The bill defines the following terms for purposes of the new statute:

- “Controlled by” means having possession of the power to direct or cause the direction of the management or policies of a company, whether through ownership of securities, by contract,

⁵³ See s. 287.1351, F.S. (providing for the suspension of certain vendors).

or otherwise. A person or entity that directly or indirectly has the right to vote 25 percent or more of the voting interests of the company, or that is entitled to 25 percent or more of its profits, is presumed to control the foreign entity.

- “Economic incentive” means all programs administered by, or for which an applicant for the program must seek certification, approval, or other action by, the department under chapter 288, F.S. (governing commercial development and capital improvements), chapter 212, F.S. (governing tax on sales, use, and other transactions), or chapter 220, F.S. (the income tax code), and all local economic development programs, grants, or financial benefits administered by a political subdivision or an agent thereof.
- “Foreign country of concern” has the same meaning as defined later in the bill.⁵⁴
- “Foreign entity” means an entity that is:
 - Owned or controlled by the government of a foreign country of concern; or
 - A partnership, association, corporation, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country of concern.
- “Government entity” means a state agency, a political subdivision, or any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.

The bill provides that a government entity may not knowingly enter into an agreement or contract for an economic incentive with a foreign entity. Before providing any economic incentive, a government entity must require the recipient or applicant to provide the government entity with an affidavit signed under penalty of perjury attesting that the recipient or applicant is not a foreign entity.

The bill also requires the department to adopt rules to administer the new statute, including rules establishing the form for the required affidavit.

Prohibition of Conveyances to Foreign Entities

Section 3 of the bill directs the Division of Law Revision to create part III of chapter 692, F.S., consisting of ss. 692.201, 692.202, 692.203, and 692.204, F.S., to be entitled “Conveyances to Foreign Entities.”

Definitions

Section 4 of the bill creates s. 692.201, F.S., which defines the following terms for purposes of part III of chapter 692, F.S.:

- “Agricultural land” means land classified as agricultural under state law.⁵⁵
- “Critical infrastructure facility” means any of the following, if it employs measures such as fences, barriers, or guard posts that are designed to exclude unauthorized persons:
 - A chemical manufacturing facility.
 - A refinery.

⁵⁴ See s. 4 of the bill (creating s. 692.201(3), F.S., which defines “foreign country of concern”).

⁵⁵ See s. 193.461, F.S. (providing the agricultural land classification process).

- An electrical power plant, including a substation, switching station, electrical control center, or electric transmission or distribution facility.⁵⁶
- A water intake structure, water treatment facility, wastewater treatment plant, or pump station.
- A natural gas transmission compressor station.
- A liquid natural gas terminal or storage facility.
- A telecommunications central switching office.
- An inland port or other facility or group of facilities serving as a point of intermodal transfer of freight in a specific area physically separated from a seaport.
- A gas processing plant, including a plant used in the processing, treatment, or fractionation of natural gas.
- A seaport.⁵⁷
- A spaceport territory.⁵⁸
- “Foreign country of concern” means:
 - The People’s Republic of China.
 - The Russian Federation.
 - The Islamic Republic of Iran.
 - The Democratic People’s Republic of Korea.
 - The Republic of Cuba.
 - The Venezuelan regime of Nicolás Maduro.
 - The Syrian Arab Republic.
 - Any agency of, or any other entity under the significant control of, one of the above-listed foreign countries of concern.
- “Foreign principal” means:
 - The government or any official of the government of a foreign country of concern;
 - A political party or member of a political party or any subdivision of a political party in a foreign country of concern;
 - A partnership, association, corporation, organization, or other combination of persons organized under the laws of, or having its principal place of business in, a foreign country of concern; or
 - Any person who is domiciled in a foreign country of concern and is not a citizen of the U.S.
- “Military installation” means a base, camp, post, station, yard, center, or other activity under the jurisdiction of the secretary of a military department or, in the case of an activity in a foreign country, under the operational control of the secretary of a military department or the

⁵⁶ See s. 403.031(20), F.S. (defining “electrical power plant” as meaning any electrical generating facility that uses any process or fuel and that is owned or operated by an electric utility, as defined in s. 403.503(14), and includes any associated facility that directly supports the operation of the electrical power plant).

⁵⁷ See s. 311.09(1), F.S. (listing the ports of Jacksonville, Port Canaveral, Port Citrus, Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee, St. Petersburg, Putnam County, Tampa, Port St. Joe, Panama City, Pensacola, Key West, and Fernandina).

⁵⁸ See s. 331.303(18), F.S. (defining “spaceport territory” as the geographical area designated in s. 331.304, F.S., and as amended or changed in accordance with s. 331.329, F.S.; it includes, but is not limited to, the real property located in Brevard County that is included within the 1998 boundaries of Patrick Space Force Base, formerly Patrick Air Force Base; Cape Canaveral Space Force Station, formerly Cape Canaveral Air Force Station; and the John F. Kennedy Space Center).

Secretary of Defense, without regard to the duration of operational control.⁵⁹ For purposes of the bill, military installations include armories.⁶⁰

- “Real property” means land, buildings, fixtures, and all other improvements to land.

Purchase of Agricultural Land by Foreign Principals

Section 5 of the bill creates s. 692.202, F.S., to prohibit the purchase of agricultural land by foreign principals.

The bill provides that a foreign principal may not directly or indirectly own or acquire by purchase, grant, devise, or descent agricultural land or any interest in such land in the state. This prohibition does not apply to a foreign principal that acquires agricultural land for a diplomatic purpose that is recognized, acknowledged, or allowed by the Federal Government.

A foreign principal that directly or indirectly owns or acquires agricultural land or any interest in such land in the state before July 1, 2023:

- May continue to own or hold such land or interest, but may not purchase or otherwise acquire by grant, devise, or descent any additional agricultural land or interest in such land in the state.
- Must register with the Department of Agriculture and Consumer Services by January 1, 2024. The department must establish a form for such registration, which, at minimum, must include all of the following:
 - The name of the owner of the agricultural land or the owner of the interest in such land.
 - The address of the agricultural land, the property appraiser’s parcel identification number, and the property’s legal description.
 - The number of acres of the agricultural land.

A foreign principal that fails to timely file a registration with the department is subject to a civil penalty of \$1,000 for each day that the registration is late. The department may place a lien against the unregistered agricultural land for the unpaid balance of any penalties assessed under the new statute.

The bill provides that a foreign principal that acquires agricultural land on or after July 1, 2023, by devise or descent, through the enforcement of security interests, or through the collection of debts must sell, transfer, or otherwise divest itself of the agricultural land within 2 years after acquiring the agricultural land.

At the time of purchase, a buyer of agricultural land, or an interest in such land, must provide an affidavit signed under penalty of perjury attesting to compliance with this section. The failure to obtain or maintain the affidavit does not affect the title or insurability of the title for the agricultural land. The Florida Real Estate Commission must adopt rules to implement this provision, including rules establishing the form for the affidavit required under this provision.

⁵⁹ 10 U.S.C. s. 2801(c)(4).

⁶⁰ See s. 250.01(5), F.S. (defining an “armory” as a building or group of buildings used primarily for housing and training troops or for storing military property, supplies, or records).

The bill provides that an agricultural land, or any interest in such land, that is owned or acquired in violation of the new statute may be forfeited to the state. In connection with such forfeitures, the bill provides:

- The Department of Agriculture and Consumer Services may initiate a civil action in the circuit court of the county in which the property lies.
- Upon filing such action, the clerk must record a lis pendens in accordance with state law.⁶¹ The court must advance the cause on the calendar. The defendant may at any time petition to modify or discharge the lis pendens based upon a finding that there is no probable cause to believe that the agricultural land, or any portion thereof, is owned or held in violation of the new statute.
- If the court finds that the agricultural land, or any portion thereof, is owned or held in violation of the new statute, the court must enter a final judgment of forfeiture vesting title to the agricultural land in the state, subject only to the rights and interests of bona fide lienholders, and such final judgment relates back to the date of the lis pendens.
- The department may sell the agricultural land subject to a final judgment of forfeiture. Any proceeds from the sale must first be paid to any lienholders of the land, followed by payment of any outstanding fines assessed pursuant to the new statute, after which the department must be reimbursed for all costs related to the forfeiture civil action and any costs related to the sale of the land. Any remaining proceeds must be paid to the property owner.
- At any time during the forfeiture proceeding the department may seek an ex parte order of seizure of the agricultural land upon a showing that the defendant's control of the agricultural land constitutes a clear and present danger to the state.

The bill provides the following criminal penalties:

- A foreign principal that purchases or acquires agricultural land or any interest therein in violation of the new statute commits a misdemeanor of the second degree, punishable by a term of imprisonment not exceeding 60 days⁶² and a \$500 fine.⁶³
- A person who knowingly sells agricultural land or any interest therein in violation of the new statute commits a misdemeanor of the second degree, punishable by a term of imprisonment not exceeding 60 days⁶⁴ and a \$500 fine.⁶⁵

The bill also requires the Department of Agriculture and Consumer Services to adopt rules to implement the new statute.

Purchase of Real Property around Military Installation and Critical Infrastructure Facilities by Foreign Principals

Section 6 of the bill creates s. 692.203, F.S., to prohibit the purchase of real property around military installations and critical infrastructure facilities by foreign principals.

The bill provides that a foreign principal may not directly or indirectly own or acquire by purchase, grant, devise, or descent any interest in real property within 20 miles of any military

⁶¹ See s. 48.23, F.S. (addressing the recordation of notices of lis pendens in particular circumstances).

⁶² Section 775.082(4)(b), F.S.

⁶³ Section 775.083(1)(e), F.S.

⁶⁴ Section 775.082(4)(b), F.S.

⁶⁵ Section 775.083(1)(e), F.S.

installation or critical infrastructure facility in the state. This prohibition does not apply to a foreign principal that acquires real property for a diplomatic purpose that is recognized, acknowledged, or allowed by the Federal Government.

A foreign principal that directly or indirectly owns or acquires any interest in real property within 20 miles of any military installation or critical infrastructure facility in the state before July 1, 2023, may continue to own or hold such real property, but may not purchase or otherwise acquire by grant, devise, or descent any additional real property within 20 miles of any military installation or critical infrastructure facility in the state.

The bill provides that a foreign principal that owns or acquires real property within 20 miles of any military installation or critical infrastructure facility in the state before July 1, 2023, must register with the Department of Economic Opportunity by January 1, 2024. The department must establish a form for such registration which, at a minimum, must include all of the following:

- The name of the owner of the real property.
- The address of the real property, the property appraiser's parcel identification number, and the property's legal description.

A foreign principal that fails to timely file a registration with the department is subject to a civil penalty of \$1,000 for each day that the registration is late. The department may place a lien against the unregistered real property for the unpaid balance of any penalties assessed under this provision.

The bill provides that a foreign principal that acquires real property, or any interest therein, which is within 20 miles of any military installation or critical infrastructure facility in the state on or after July 1, 2023, by devise or descent, through the enforcement of security interests, or through the collection of debts must sell, transfer, or otherwise divest itself of such real property within 2 years after acquiring the real property.

At the time of purchase, a buyer of real property that is located within 20 miles of any military installation or critical infrastructure facility in the state must provide an affidavit signed under penalty of perjury attesting to compliance with the new statute. The failure to obtain or maintain the affidavit does not affect the title or insurability of the title for the real property. The Florida Real Estate Commission must adopt rules to implement this provision, including rules establishing the form for the affidavit required under this provision.

The bill provides that if any real property is owned or acquired in violation of the new statute, it may be forfeited to the state. In connection with such forfeitures, the bill provides:

- The Department of Economic Opportunity may initiate a civil action in the circuit court of the county in which the property lies for the forfeiture of the real property or any interest therein.
- Upon filing such action, the clerk must record a lis pendens in accordance with state law.⁶⁶ The court must advance the cause on the calendar. The defendant may at any time petition to modify or discharge the lis pendens based upon a finding that there is no probable cause to

⁶⁶ See s. 48.23, F.S. (addressing the recordation of notices of lis pendens in particular circumstances).

believe that the real property, or any portion thereof, is owned or held in violation of the new statute.

- If the court finds that the real property, or any portion thereof, is owned or held in violation of the new statute, the court must enter a final judgment of forfeiture vesting title to the real property in the state, subject only to the rights and interests of bona fide lienholders, and such final judgment relates back to the date of the lis pendens.
- The department may sell the real property subject to a final judgment of forfeiture. Any proceeds from the sale must first be paid to any lienholders of the land, followed by payment of any outstanding fines assessed pursuant to the new statute, after which the department must be reimbursed for all costs related to the forfeiture civil action and any costs related to the sale of the land. Any remaining proceeds must be paid to the property owner.
- At any time during the forfeiture proceeding the department may seek an ex parte order of seizure of the real property upon a showing that the defendant's control of the real property constitutes a clear and present danger to the state.

The bill provides the following criminal penalties:

- A foreign principal that purchases or acquires real property or any interest therein in violation of the new statute commits a misdemeanor of the second degree, punishable by a term of imprisonment not exceeding 60 days⁶⁷ and a \$500 fine.⁶⁸
- A person who knowingly sells real property or any interest therein in violation of this section commits a misdemeanor of the second degree, punishable by a term of imprisonment not exceeding 60 days⁶⁹ and a \$500 fine.⁷⁰

The bill also requires the Department of Economic Opportunity to adopt rules to implement the new statute.

Purchase or Acquisition of Real Property by the People's Republic of China

Section 7 of the bill creates s. 692.204, F.S., to prohibit the purchase or acquisition of real property by the People's Republic of China.

The bill prohibits the following persons or entities from directly or indirectly owning or acquiring by purchase, grant, devise, or descent any interest in real property in the state:

- The People's Republic of China, the Chinese Communist Party, or any official or member of the People's Republic of China or the Chinese Communist Party.
- Any other political party or member of a political party or a subdivision of a political party in the People's Republic of China.
- A partnership, an association, a corporation, an organization, or any other combination of persons organized under the laws of or having its principal place of business in the People's Republic of China.
- Any person who is domiciled in the People's Republic of China and who is not a citizen of the U.S.

⁶⁷ Section 775.082(4)(b), F.S.

⁶⁸ Section 775.083(1)(e), F.S.

⁶⁹ Section 775.082(4)(b), F.S.

⁷⁰ Section 775.083(1)(e), F.S.

This prohibition does not apply to a person or entity of the People's Republic of China that acquires real property for a diplomatic purpose that is recognized, acknowledged, or allowed by the Federal Government.

Any person or entity described above that directly or indirectly owns or acquires any interest in real property in the state before July 1, 2023, may continue to own or hold such real property, but may not purchase or otherwise acquire by grant, devise, or descent any additional real property in the state.

The bill provides that any person or entity described above that owns or acquires real property in the state before July 1, 2023, must register with the Department of Economic Opportunity by January 1, 2024. The department must establish a form for such registration which, at a minimum, must include all of the following:

- The name of the owner of the real property.
- The address of the real property, the property appraiser's parcel identification number, and the property's legal description.

A person or entity that fails to timely file a registration with the department is subject to a civil penalty of \$1,000 for each day that the registration is late. The department may place a lien against the unregistered real property for the unpaid balance of any penalties assessed under this paragraph.

The bill provides that a person or entity that acquires real property in the state on or after July 1, 2023, by devise or descent, through the enforcement of security interests, or through the collection of debts must sell, transfer, or otherwise divest itself of such real property within 2 years after acquiring the real property unless the person or entity acquired the real property for a diplomatic purpose that is recognized, acknowledged, or allowed by the Federal Government.

At the time of purchase, a buyer of real property in the state must provide an affidavit signed under penalty of perjury attesting to compliance with the new statute. The failure to obtain or maintain the affidavit does not affect the title or insurability of the title for the real property. The Florida Real Estate Commission must adopt rules to implement this subsection, including rules establishing the form for the affidavit required under this subsection.

The bill provides that if any real property is owned or acquired in violation of the new statute, it may be forfeited to the state. In connection with such forfeitures, the bill provides:

- The Department of Economic Opportunity may initiate a civil action in the circuit court of the county in which the property lies for the forfeiture of the real property or any interest therein.
- Upon filing such action, the clerk must record a lis pendens in accordance with state law.⁷¹ The court must advance the cause on the calendar. The defendant may at any time petition to modify or discharge the lis pendens based upon a finding that there is no probable cause to believe that the real property, or any portion thereof, is owned or held in violation of the new statute.

⁷¹ See s. 48.23, F.S. (addressing the recordation of notices of lis pendens in particular circumstances).

- If the court finds that the real property, or any portion thereof, is owned or held in violation of the new statute, the court must enter a final judgment of forfeiture vesting title to the real property in the state, subject only to the rights and interests of bona fide lienholders, and such final judgment relates back to the date of the lis pendens.
- The department may sell the real property subject to a final judgment of forfeiture. Any proceeds from the sale must first be paid to any lienholders of the land, followed by payment of any outstanding fines assessed pursuant to the new statute, after which the department must be reimbursed for all costs related to the forfeiture civil action and any costs related to the sale of the land. Any remaining proceeds must be paid to the property owner.
- At any time during the forfeiture proceeding the department may seek an ex parte order of seizure of the real property upon a showing that the defendant's control of the real property constitutes a clear and present danger to the state.

The bill provides the following criminal penalties:

- A violation of this section constitutes a felony of the third degree, punishable by a term of imprisonment not exceeding 5 years⁷² and a \$5,000 fine,⁷³ or possibly more under the habitual offender statute.⁷⁴
- A person who sells real property or any interest therein in violation of the new statute commits a misdemeanor of the first degree, punishable by a term of imprisonment not exceeding 1 year⁷⁵ and a \$1,000 fine.⁷⁶

The bill also requires the Department of Economic Opportunity to adopt rules to implement the new statute.

Amendments to the Florida Electronic Health Records Act

Section 8 of the bill amends s. 408.051, F.S., the Florida Electronic Health Records Exchange Act (Act), by adding two definitions and by requiring that the offsite storage of certain personal medical information be physically maintained in the continental U.S.

First, for purposes of the Act, the bill incorporates the definition for “cloud computing” found in chapter 282, part I, F.S., which governs information technology management. That definition⁷⁷ provides that cloud computing has the same meaning as provided in Special Publication 800-145 issued by the National Institute of Standards and Technology, which reads as follows:

Cloud computing is a model for enabling ubiquitous, convenient, on-demand network access to a shared pool of configurable computing resources (e.g., networks, servers, storage, applications, and services) that can be rapidly provisioned and released with minimal management effort or

⁷² Section 775.082(3)(e), F.S.

⁷³ Section 775.083(1)(c), F.S.

⁷⁴ See generally s. 775.084, F.S. (providing heightened punishments for habitual offenders).

⁷⁵ Section 775.082(4)(a), F.S.

⁷⁶ Section 775.083(1)(d), F.S.

⁷⁷ Section 282.0041(5), F.S.

service provider interaction. This cloud model is composed of five essential characteristics, three service models, and four deployment models.⁷⁸

Second, for purposes of the Act, the bill defines the term “health care provider” as including all of the following:

- Any provider as defined in the Health Care Licensing Procedures Act;⁷⁹
- Any health care practitioner as defined in chapter 456, F.S., which governs health professions and occupations;⁸⁰
- Any health care professional certified under the Radiological Personnel Certification Act;⁸¹
- Any home health aide as defined in the Home Health Services Act;⁸²
- Any service provider as defined in the Florida Mental Health Act,⁸³ and the service provider’s clinical and nonclinical staff who provide inpatient or outpatient services;
- Any licensed continuing care facility;⁸⁴ and
- Any pharmacy permitted under the Florida Pharmacy Act.⁸⁵

Third, the bill amends the Act to provide that in addition to complying with certain federal standards regulating the privacy of individually identifiable health information,⁸⁶ a health care provider that utilizes certified electronic health record technology must ensure that all patient information stored in an offsite physical or virtual environment, including through a third-party or subcontracted computing facility or an entity providing cloud computing services, is physically maintained in the continental U.S. The bill applies this provision to all qualified electronic health records that are stored using any technology that can allow information to be electronically retrieved, accessed, or transmitted.

⁷⁸ U.S. Department of Commerce, National Institute of Standards and Technology, *Special Publication 800-145 (The NIST Definition of Cloud Computing)* (Sept. 2011), available at <https://nvlpubs.nist.gov/nistpubs/Legacy/SP/nistspecialpublication800-145.pdf> (also identifying the referenced five essential characteristics, three service models, and four deployment models) (footnotes omitted).

⁷⁹ See s. 408.803(12), F.S. (defining “provider” as any activity, service, agency, or facility regulated by Agency for Health Care Administration and listed in s. 408.802, F.S.).

⁸⁰ See s. 456.001(4), F.S. (defining “health care practitioner” as any person licensed under one of the listed statutes).

⁸¹ Chapter 468, part IV, F.S.

⁸² See s. 400.462, F.S. (defining “home health aide” as a person who is trained or qualified, as provided by rule, and who provides hands-on personal care, performs simple procedures as an extension of therapy or nursing services, assists in ambulation or exercises, assists in administering medications as permitted in rule and for which the person has received training established by the agency under part III (regulating home health services), or performs tasks delegated to him or her under ch. 464, F.S. (regulating nursing)).

⁸³ See s. 394.455(45), F.S. (defining “service provider” as a receiving facility, a facility licensed under ch. 397, F.S. (governing substance abuse services), a treatment facility, an entity under contract with the department to provide mental health or substance abuse services, a community mental health center or clinic, a psychologist, a clinical social worker, a marriage and family therapist, a mental health counselor, a physician, a psychiatrist, an advanced practice registered nurse, a psychiatric nurse, or a qualified professional as defined in s. 39.01, F.S. (referencing licensed physicians, physician assistants, psychiatrists, psychologists, and psychiatric nurses)).

⁸⁴ See ch. 651, F.S. (governing continuing care contracts).

⁸⁵ Chapter 465, F.S.

⁸⁶ 45 C.F.R. pts. 160 and 164 (subparts A and C).

Amendments to the Health Care Licensing Procedures Act

Section 9 of the bill amends s. 408.810, F.S., which provides certain minimum licensure requirements for health care providers.⁸⁷

The bill provides that a licensee must sign an affidavit at the time of his or her initial application for a license, and on any renewal applications thereafter, that attests under penalty of perjury that he or she is in compliance with the bill, specifically the requirement in the bill that health care providers using certified electronic health record technology ensure that all patient information stored in an offsite physical or virtual environment is physically maintained in the continental U.S. The licensee must remain in compliance with this requirement or be subject to disciplinary action by the agency.

The licensee must also ensure that a person or entity who possesses a controlling interest in the licensee does not also hold, either directly or indirectly, regardless of ownership structure, an interest in an entity that has a business relationship with a foreign country of concern or that is subject to the statute prohibiting contracting with scrutinized companies.⁸⁸

For purposes of this provision, the bill defines the following terms:

- “Business relationship” means engaging in commerce in any form, including, but not limited to, acquiring, developing, maintaining, owning, selling, possessing, leasing, or operating equipment, facilities, personnel, products, services, personal property, real property, military equipment, or any other apparatus of business or commerce.
- “Foreign country of concern” has the same meaning as provided earlier in the bill.⁸⁹
- Having an “interest” in an entity means having any direct or indirect investment in or loan to the entity valued at 5 percent or more of the entity’s net worth, or any form of direct or indirect control exerting similar or greater influence on the governance of the entity.⁹⁰

Amendments to the Statute Criminalizing Threats and Extortion

Section 10 of the bill amends s. 836.05, F.S., which criminalizes threats and extortion, to provide that a person who commits a violation of the statute and at the time of the violation is acting as a foreign agent as defined in state law,⁹¹ with the intent of benefitting a foreign country of concern as defined earlier in the bill,⁹² commits a felony of the first degree, punishable by a term of imprisonment of not exceeding 30 years⁹³ and a \$10,000 fine,⁹⁴ or possibly more under the habitual offender statute.⁹⁵

⁸⁷ See *supra* note 79 (defining providers); see also s. 408.802, F.S. (listing regulated providers).

⁸⁸ Section 287.135, F.S.

⁸⁹ See s. 4 of the bill (creating s. 692.201(3), F.S., which defines “foreign country of concern”).

⁹⁰ See s. 286.101(1), F.S. (defining “interest”).

⁹¹ See s. 812.081(1)(b), F.S. (defining “foreign agent” as any officer, employee, proxy, servant, delegate, or representative of a foreign government).

⁹² See s. 4 of the bill (creating s. 692.201(3), F.S., which defines “foreign country of concern”).

⁹³ Section 775.082(3)(b)1., F.S.

⁹⁴ Section 775.083(1)(b), F.S.

⁹⁵ See generally s. 775.084, F.S. (providing heightened punishments for habitual offenders).

Effective Date

The bill takes effect on July 1, 2023.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

A state's power to apply its law exclusively to its alien inhabitants as a class is confined to narrow limits. However, each state, in the absence of any treaty provision to the contrary, may deny to aliens the right to own land within its border.⁹⁶

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Under the bill, governmental entities are prohibited from knowingly entering into contracts for an economic incentive with a foreign entity. Accordingly, foreign entities (as defined in the bill) will no longer be able to avail themselves of such economic incentives in connection with their projects.

The bill provides that foreign principals who acquired agricultural land or land within 20 miles of a military installation or critical infrastructure facility before July 1, 2023 may

⁹⁶ See *Graham v. Ramani*, 383 So. 2d 634, 635 (Fla. 1980) (recognizing that the U.S. Supreme Court has upheld statutes denying aliens the right to acquire land and citing in support *Terrace v. Thompson*, 263 U.S. 197 (1923); *Terrace* upheld a state of Washington statute prohibiting the ownership of land within the state by nondeclarant aliens, finding that the “privilege of owning or controlling agricultural land within the state” and the “allegiance of those who own, occupy and use the farm lands within its borders are matters of highest importance and affect the safety and power of the state itself” (*id.* at 221)).

continue to own those lands, but may not expand upon their ownership after that date. Similarly, Chinese businesses, and persons who are domiciled in China and not U.S. citizens, who acquired real property before July 1, 2023 may continue to own those lands, but may not expand upon their ownership after that date. To the extent any of these foreign principals, businesses, or persons' business plans assumed future expansions of land ownership, those plans will be negatively impacted by the bill.

The bill requires health care providers that use certified electronic health care technology to ensure that all patient information stored in an offsite physical or virtual environment, including through a third-party or subcontracted facility or an entity providing cloud computing services, is maintained in the continental U.S. To the extent such patient information is not already maintained in the continental U.S., health care providers will incur costs moving that information into the continental U.S.

C. Government Sector Impact:

Under the bill, governmental entities may not contract with entities of foreign countries of concern. To the extent contracting with entities of foreign countries of concern might have resulted in more favorable contractual terms than contracting with other entities, governmental entities will be negatively impacted by the bill.

The bill authorizes the Attorney General, Department of Agriculture and Consumer Services, and the Department of Economic Opportunity to enforce certain affidavit preparation and property forfeiture provisions in the bill. Additionally, the bill requires the Department of Management Services, the Florida Real Estate Commission, and the Department of Economic Opportunity to adopt rules to implement various provisions of the bill. Although these state agencies will incur costs associated with these efforts, it is anticipated that they will be minimal and absorbed by their existing budget allocations.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates the following sections of the Florida Statutes: 287.138, 288.007, 692.201, 692.202, 692.203, and 692.204.

This bill substantially amends the following sections of the Florida Statutes: 408.051, 408.810, and 836.05.

IX. Additional Information:

- A. **Committee Substitute – Statement of Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

EXHIBIT 33



606852

LEGISLATIVE ACTION

Senate

.
. .
. .
. .
. .

House

The Committee on Judiciary (Collins) recommended the following:

Senate Amendment

Delete line 231

and insert:

concern, or a subsidiary of such entity.

Delete line 291

and insert:

concern, or a subsidiary of such entity;

Delete line 503



606852

12 and insert:
13 the People's Republic of China, or a subsidiary of such entity.

EXHIBIT 34



647298

LEGISLATIVE ACTION

Senate

.
. .
. .
. .
. .

House

The Committee on Judiciary (Collins) recommended the following:

Senate Amendment

Delete lines 333 - 336

and insert:

(4) Notwithstanding subsection (1), a foreign principal may acquire agricultural land on or after July 1, 2023, by devise or descent, through the enforcement of security interests, or through the collection of debts, provided that the foreign principal sells, transfers, or otherwise divests itself of the

Delete lines 428 - 433

and insert:



647298

12 (4) Notwithstanding subsection (1), a foreign principal may
13 acquire real property or any interest therein which is within 20
14 miles of any military installation or critical infrastructure
15 facility in the state on or after July 1, 2023, by devise or
16 descent, through the enforcement of security interests, or
17 through the collection of debts, provided that the foreign
18 principal sells, transfers, or otherwise divests itself of such

19 Delete lines 532 - 535

20 and insert:

21 (4) Notwithstanding subsection (1), a person or an entity
22 described in paragraph (1)(a) may acquire real property in the
23 state on or after July 1, 2023, by devise or descent, through
24 the enforcement of security interests, or through the collection
25 of debts, provided that the person or entity sells, transfers,
26 or otherwise divests itself of such

EXHIBIT 35

EXHIBIT 36

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Judiciary

BILL: CS/SB 264

INTRODUCER: Judiciary Committee and Senators Collins and Avila

SUBJECT: Interests of Foreign Countries

DATE: March 14, 2023 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Collazo	Cibula	JU	Fav/CS
2.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 264 generally restricts both governmental entity contracting with certain foreign countries and entities of concern, as well as conveyances of agricultural lands and other interests in real property to foreign principals, the People’s Republic of China, and other entities and persons that are affiliated with them. It also amends certain electronic health record statutes to ensure that such records are physically stored in the continental U.S., not overseas.

Specifically, with respect to governmental entity contracting, the bill creates statutes that prohibit governmental entities from:

- Contracting with entities of foreign countries of concern.
- Entering into contracts for an economic incentive with a foreign entity.

And with respect to conveyances of agricultural lands, the bill creates statutes that:

- Prohibit a foreign principal from owning or acquiring agricultural land in the state.
- Prohibit a foreign principal from owning or acquiring any interest in real property within 20 miles of any military installation or critical infrastructure in the state.
- Prohibit China, Chinese Communist Party or other Chinese political party officials or members, Chinese business organizations, and persons domiciled in China, but who are not U.S. citizens, from purchasing or acquiring any interest in real property in the state.

The bill also amends:

- The Florida Electronic Health Records Act, to require that the offsite storage of certain personal medical information be physically maintained in the continental U.S.

- The Health Care Licensing Procedures Act, to require licensees to sign affidavits attesting that all patient information stored by them is being physically maintained in the continental U.S.
- The statute criminalizing threats and extortion, to provide that a person who commits a violation of the statute, and at the time is acting as a foreign agent with the intent of benefitting a foreign country of concern, commits a first degree felony.

The bill takes effect July 1, 2023.

II. Present Situation:

Foreign Ownership of U.S. Agricultural Land

Foreign ownership and investment in U.S. agricultural land has generated significant interest in recent years.¹ Several high-profile incidents have prompted lawmakers to focus their attention on evaluating and responding to the potential impacts of foreign ownership and investment on national security, trade, and food security.²

A significant example occurred last year. Fufeng Group Limited, a Chinese food manufacturer, acquired 300 acres of land near the Grand Forks Air Force Base in North Dakota in order to build a wet corn milling and biofermentation plant.³ The Air Force base, which is only about 12 miles away from the site, is believed to be the home of some of the country's most sophisticated, "top secret" military drone technology.⁴ The location of the land close to the base made it particularly convenient for monitoring air traffic flows in and out of the base, among other security-related concerns.⁵

In January, Andrew P. Hunter, Assistant Secretary of the Air Force for Acquisition, Technology and Logistics,⁶ sent U.S. Senator John Hoeven a letter providing the Air Force's official position on the project. It confirmed that "Grand Forks Air Force Base is the center of military activities related to both air and space operations" and that the department's position is "unambiguous: the proposed project presents a significant threat to national security with both near- and long-term

¹ Aleks Phillips, *What the U.S. Is Doing to Curtail Chinese Land Ownership*, NEWSWEEK, Feb. 13, 2023, <https://www.newsweek.com/chinese-land-ownership-investment-us-military-bases-1780886>.

² See Letter from Congressmen Glenn "GT" Thompson & James Comer to Gene L. Dodaro, Comptroller General of the U.S. Government Accountability Office (Oct. 1, 2022), available at https://oversight.house.gov/wp-content/uploads/2022/10/20221001_GAO_foreignlandownership.pdf (requesting that the office conduct a review of foreign investment in U.S. farmland and its impact on national security, trade, and food security).

³ Congressional Research Service (CRS), *Foreign Ownership and Holdings of U.S. Agricultural Land* (version 4, updated Jan. 24, 2023), available at <https://crsreports.congress.gov/product/pdf/IF/IF11977>.

⁴ Ariel Zilber, *Chinese firm bought North Dakota farm near U.S. Air Force drone base: report*, NEW YORK POST, Jul. 1, 2022, <https://nypost.com/2022/07/01/chinese-firm-bought-farm-near-us-air-force-drone-base-report/>; see also Letter from Thompson & Comer, *supra* note 2 (describing the technology as "top secret"); see also Lauren Greenwood, U.S.-China Economic and Security Review Commission, *China's Interests in U.S. Agriculture: Augmenting Food Security through Investment Abroad* (May 26, 2022), 11, available at https://www.uscc.gov/sites/default/files/2022-05/Chinas_Interests_in_U.S._Agriculture.pdf (noting that the Grand Forks Air Force Base "houses some of the United States' top intelligence, surveillance, and reconnaissance capabilities").

⁵ Greenwood, *supra* note 4.

⁶ U.S. Air Force, *Andrew P. Hunter* (Sept. 2022), <https://www.af.mil/About-Us/Biographies/Display/Article/3154079/andrew-p-hunter/>.

risks of significant impacts to our operations in the area.”⁷ About a week after the department issued its letter, the Grand Forks City Council abandoned the project.⁸

In addition to national security concerns, federal officials are also concerned about potential food security impacts. A recent letter from 130 lawmakers to the U.S. Government Accountability Office expressed concern that “foreign investment in U.S. farmland could result in foreign control of available U.S. farmland, especially prime agricultural lands, and possibly lead to foreign control over food production and food prices.”⁹ In a separate interview, one of the lawmakers noted that “food security is national security,” explaining that Russia was able to exercise undue influence over Europe because it supplied Europe with a significant amount of natural gas, and that China might similarly try to control food supplies in South America, Southeast Asia, and even North America, in order to exert greater coercive power around the globe.¹⁰

Other recent incidents, while not involving the acquisition of U.S. farmland, suggest that China is working aggressively to undermine U.S. interests in other ways, both at home and abroad:

- Confucius Institutes, which offer Chinese language and cultural programs, first began appearing on U.S. university campuses in 2005. Some Members of Congress and others have alleged that they may play a role in China’s efforts to influence public opinion abroad, recruit “influence agents” on U.S. campuses, and engage in cyber espionage and intellectual property theft.¹¹
- In November of last year, FBI Director Christopher Wray testified at a U.S. Senate Homeland Security and Governmental Affairs Committee hearing about the existence of certain unauthorized ‘police stations’ established by China in major U.S. cities, noting that the U.S. has made a number of indictments involving the Chinese government harassing, stalking, surveilling, and blackmailing people in the U.S. who disagreed with Chinese leader Xi Jinping.¹²
- Last month, the U.S. shot down a Chinese spy balloon after it had traversed over a large swath of North America. The Biden Administration alleged it was part of a larger Chinese surveillance-balloon program that had violated the sovereignty of nations all over the world.¹³

⁷ Letter from Andrew P. Hunter, Office of the Assistant Secretary, to U.S. Senator John Hoeven (Jan. 27, 2023), *available at* <https://www.hoeven.senate.gov/imo/media/doc/USAIRFORCE-FUFENG-LETTER-HOEVEN.pdf>.

⁸ Meghan Arbegast, *Year-long Fufeng debate comes to an end after Grand Forks council members vote to stop project*, GRAND FORKS HERALD, Feb. 6, 2023, <https://www.grandforksherald.com/news/local/year-long-fufeng-debate-comes-to-an-end-after-grand-forks-council-members-vote-to-stop-project>.

⁹ Letter from Thompson & Comer, *supra* note 2.

¹⁰ NPR, *China is buying up more U.S. farmland. Some lawmakers consider that a security threat* (Mar. 1, 2023), <https://www.npr.org/2023/03/01/1160297853/china-farmland-purchases-house-hearing-competition>.

¹¹ CRS, *Confucius Institutes in the United States: Selected Issues* (version 12, updated May 20, 2022), <https://crsreports.congress.gov/product/pdf/IF/IF11180>.

¹² Michael Martina & Ted Hesson, *FBI director ‘very concerned’ by Chinese ‘police stations’ in U.S.*, REUTERS, Nov. 17, 2022, <https://www.reuters.com/world/us/fbi-director-very-concerned-by-chinese-police-stations-us-2022-11-17/>.

¹³ Isaac Chotiner, *What’s Behind the Chinese Spy Balloon*, THE NEW YORKER, Feb. 18, 2023, <https://www.newyorker.com/news/q-and-a/whats-behind-the-chinese-spy-balloon>.

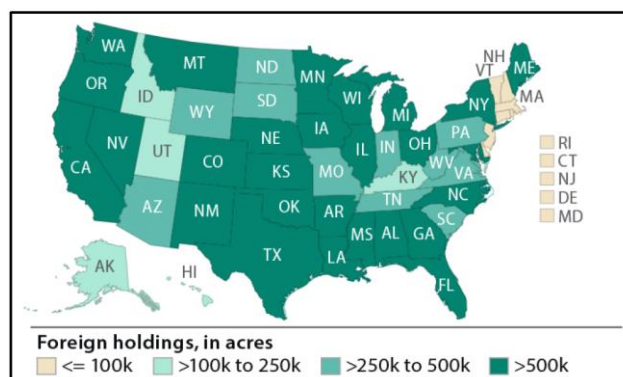
- This month, the U.S. (and Canada) issued orders banning the use of TikTok, a Chinese-owned video sharing app, on government-issued mobile devices amid growing privacy and cybersecurity concerns.¹⁴
- Also this month, U.S. defense and national security officials have raised the possibility that certain Chinese-made giant cargo cranes are being used for espionage.¹⁵

Ownership Statistics

Foreign persons and entities held an interest in 40.8 million acres of U.S. agricultural land in 2021, accounting for 3.1% of total privately owned land.¹⁶ These data cover agricultural land and nonagricultural land (e.g. associated homesteads, roads, etc.). In 2021, forestland accounted for 47% of all foreign-owned land, cropland accounted for 29%, and pasture and other agricultural land for 22%. Nonagricultural land (such as homesteads and roads) accounted for 2%. Foreign land holdings have increased by an average of 2.2 million acres per year since 2015.¹⁷

With respect to China specifically, not including the Fufeng Group Limited's purchase in 2022, the U.S. Department of Agriculture reports that China accounted for 383,935 acres, or 0.9% of total foreign-owned U.S. agricultural land as of year-end 2021.¹⁸ The department also reports that 85 Chinese investors own 275 parcels of agricultural land totaling 194,772 acres worth \$1,868,577.¹⁹

Country	Total (million acres)	U.S. Entities % of U.S.		Private Land (percent)
		Foreign Entities	w/ Foreign Shares	
Canada	12.8	9.7	3.2	1.0%
Netherlands	4.9	4.4	0.5	0.4%
Italy	2.7	2.6	0.1	0.2%
United Kingdom	2.5	1.5	1.0	0.2%
Germany	2.3	1.4	0.9	0.2%
Subtotal	25.2	19.6	5.7	2.0%
Other Countries	12.4	7.1	5.3	1.0%
Not Listed	3.2	2.4	0.8	0.3%
Total	40.8	29.1	11.7	3.1%



Foreign Holdings of Agricultural Land, 2021²⁰

As of year-end 2021, the states with the most foreign-owned agricultural acreage were Texas (5.3 million acres), Maine (3.6 million acres), Colorado (1.9 million acres), Alabama (1.8 million

¹⁴ CBS News, *TikTok banned on U.S. government devices, and the U.S. is not alone. Here's where the app is restricted* (Mar. 1, 2023), <https://www.cbsnews.com/news/tiktok-banned-us-government-where-else-around-the-world/>.

¹⁵ Kent Masing, *U.S. Concerned China-Made Cranes In American Ports Used To Spy On Military: Report*, INTERNATIONAL BUSINESS TIMES, Mar. 6, 2023, <https://www.ibtimes.com/us-concerned-china-made-cranes-american-ports-used-spy-military-report-3673964>.

¹⁶ CRS, *supra* note 3, at 2.

¹⁷ *Id.*

¹⁸ *Id.*; Farm Service Agency, U.S. Department of Agriculture, *Foreign Holdings of U.S. Agricultural Land* (through Dec. 31, 2021), 4, available at <https://www.fsa.usda.gov/programs-and-services/economic-and-policy-analysis/afida/annual-reports/index>.

¹⁹ Farm Service Agency, *supra* note 18, at 229.

²⁰ *Id.* at Table 1 and Figure 2 (internal citations omitted).

acres), and Oklahoma (1.7 million acres). Other states with more than 1 million foreign-owned acres were Arkansas, California, Florida, Georgia, Kansas, Louisiana, Michigan, New Mexico, Oregon, and Washington.²¹

According to the U.S. Department of Agriculture, of the 21,849,568 acres of privately held agricultural land in Florida, 1,382,284 acres (6.3%) are held by foreigners, which is among the highest proportions in the U.S.²² It is unclear how much of that land is owned by China, although the department does report that it owns 96,975 acres in the “South Region,” which includes Florida.²³

Existing Federal and State Laws

Federal law currently imposes no restrictions on the amount of private U.S. agricultural land that can be foreign-owned.²⁴ However, the Agricultural Foreign Investment Disclosure Act of 1978 established a nationwide system for collecting information pertaining to the foreign ownership of U.S. agricultural land,²⁵ including land used for agricultural, forestry, or timber production purposes.²⁶ For purposes of the act, foreign persons include any individual, corporation, company, association, partnership, society, joint stock company, trust, estate, or any other legal entity (including any foreign government) under the laws of a foreign government or having a principal place of business outside of the U.S.²⁷

The act’s regulations require foreign persons who buy, sell, or gain interest in U.S. agricultural land to disclose their holdings and transactions to the U.S. Department of Agriculture directly or to the Farm Service Agency county office where the land is located.²⁸ Failure to disclose this information may result in penalties and fines.²⁹ After the original disclosure, each subsequent change of ownership or use must be reported.³⁰ It should be noted that some have expressed concern that U.S. Department of Agriculture figures developed under the act may actually underestimate foreign ownership due to unreliable data collection and the definitions used by the department.³¹

The Committee on Foreign Investment in the U.S. is an interagency committee authorized to review certain transactions involving foreign investment in the U.S. and real estate transactions by foreign persons, in order to determine the effect of such transactions on national security.³² Notwithstanding recent expansions to the committee’s jurisdictional authority and review

²¹ *Id.*

²² See Farm Service Agency, *supra* note 18, at 4, 17.

²³ *Id.* at 238.

²⁴ CRS, *supra* note 3, at 1.

²⁵ Pub. L. No. 95-460, 92 Stat. 1263 (1978); 7 U.S.C. ss. 3501-3508.

²⁶ 7 U.S.C. s. 3508(1); 7 C.F.R. s. 781.2(b).

²⁷ 7 U.S.C. s. 3508(3); 7 C.F.R. s. 781.2(g).

²⁸ 7 U.S.C. s. 3501(a); 7 C.F.R. s. 781.3(a).

²⁹ 7 U.S.C. s. 3502; 7 C.F.R. ss. 781.4., 781.5.

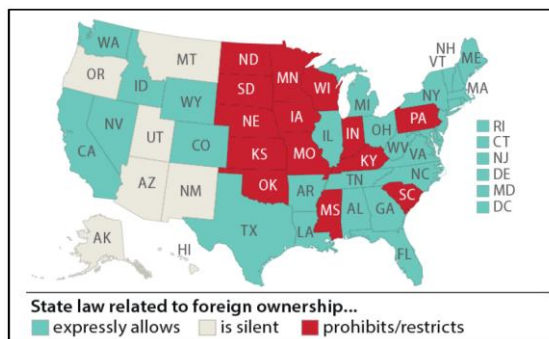
³⁰ 7 U.S.C. s. 3501(a); 7 C.F.R. s. 781.3(b).

³¹ Texas Farm Bureau, *Lawmakers ask for review of foreign ownership of U.S. farmland*, <https://texasfarmbureau.org/lawmakers-ask-for-review-of-foreign-ownership-of-u-s-farmland/> (last visited Mar. 7, 2023).

³² U.S. Department of the Treasury, *The Committee on Foreign Investment in the United States*, <https://home.treasury.gov/policy-issues/international/the-committee-on-foreign-investment-in-the-united-states-cfius> (last visited Mar. 6, 2023).

considerations,³³ there appear to be significant gaps. For example, the committee recently determined that Fufeng Group Limited's purchase near Grand Forks Air Force Base was outside of its jurisdiction and that it would therefore take no further action.³⁴

Some U.S. states and localities have instituted restrictions on the foreign ownership of farmland.³⁵ Although no state has instituted an absolute prohibition on all foreign ownership, some states have limited or proposed to prohibit certain foreign persons and entities from acquiring or owning an interest in agricultural land within their states, and several states have separate disclosure requirements within their states.³⁶



Overview of Selected State Laws Related to Foreign Ownership of U.S. Agricultural Land³⁷

There is no single uniform approach under state laws to addressing foreign ownership.³⁸ Some general categories include:

- Restrictions on the amount of land that can be owned or the duration of ownership.
- Distinctions involving private versus public land or how agricultural land is defined.
- Distinctions involving resident and nonresident aliens.
- Inheritance considerations involving land ownership.
- Restrictions on ownership by foreign corporations (e.g. corporate farming laws or requirements corporations are subject to in order to obtain license or register).
- Differences related to enforcement and penalties.³⁹

Currently, in Florida, foreign persons and entities have the same rights in real property as do citizens of the U.S. Foreign corporations, upon qualifying to do business in the state, have the same rights in real property as do domestic corporations. Foreign ownership of a domestic corporation has no effect on that corporation's rights in real property. No disclosure is required by any person or corporation when acquiring, holding or transferring rights in real property.⁴⁰

³³ See *id.* (discussing Executive Order 14083, the Foreign Investment Risk Review Modernization Act of 2018, and associated regulations).

³⁴ T.J. Nelson, KVVR Local News, *Fufeng USA Looking to Move Ahead with Grand Forks Project After Federal Agency Review Suddenly Ends* (Dec. 13, 2022), <https://www.kvvr.com/2022/12/13/fufeng-usa-looking-to-move-ahead-with-grand-forks-project-after-federal-agency-review-suddenly-ends/>.

³⁵ CRS *supra* note 3, at 1.

³⁶ *Id.*

³⁷ *Id.* at Figure 1 (internal citation omitted).

³⁸ *Id.* at 1.

³⁹ *Id.*

⁴⁰ See 2 INTERNATIONAL BUSINESS TRANSACTIONS s. 29:26 (3d ed., updated Nov. 2022).

Florida Electronic Health Records Act

The Florida Electronic Health Records Act⁴¹ authorizes health care providers to release or access an identifiable health record of a patient without the patient's consent for use in the treatment of that patient for an emergency medical condition, when consent cannot be obtained from the patient or the patient representative due to the patient's condition or the nature of the situation requiring immediate medical attention.⁴² It provides immunity from civil liability whenever a health care provider accesses or releases the identifiable health record in good faith under the statute. It also directs the Agency for Health Care Administration to develop a form to document patient authorization for the use or release of an identifiable health record.⁴³ The act includes definitions for the following terms: "electronic health record," "qualified electronic health record," "certified electronic health record technology," "health record," "identifiable health record," "patient," and "patient representative."⁴⁴

Health Care Licensing Procedures Act

The Health Care Licensing Procedures Act⁴⁵ provides a streamlined and consistent set of basic licensing requirements for health care providers.⁴⁶ The act is intended to minimize confusion, standardize terminology, and include issues that are not otherwise addressed in state law pertaining to specific providers.⁴⁷ Among other things, it provides certain minimum licensure requirements, with which applicants and licensees must comply in order to obtain and maintain a license.⁴⁸

Statute Criminalizing Threats and Extortion

State law criminalizes threats and extortion. One commits the crime if he or she, either verbally or by a written or printed communication:

maliciously threatens to accuse another of any crime or offense, or by such communication maliciously threatens an injury to the person, property or reputation of another, or maliciously threatens to expose another to disgrace, or to expose any secret affecting another, or to impute any deformity or lack of chastity to another, with intent thereby to extort money or any pecuniary advantage whatsoever, or with intent to compel the person so threatened, or any other person, to do any act or refrain from doing any act against his or her will[.]⁴⁹

⁴¹ Section 408.051, F.S.

⁴² Section 408.051(3), F.S.

⁴³ Section 408.051(4), F.S.

⁴⁴ Section 408.051(2), F.S.

⁴⁵ Chapter 408, Part II, F.S.; *see also* s. 408.801(1), F.S. (providing a short title).

⁴⁶ Section 408.801(2), F.S.

⁴⁷ *Id.*

⁴⁸ *See generally* s. 408.810, F.S.

⁴⁹ Section 836.05, F.S.

The crime is a second degree felony, punishable by a term of imprisonment not exceeding 15 years⁵⁰ and a \$10,000 fine,⁵¹ or possibly more under the habitual offender statute.⁵²

III. Effect of Proposed Changes:

CS/SB 264 generally restricts both governmental entity contracting with certain foreign countries and entities of concern, as well as conveyances of agricultural lands and other interests in real property to foreign principals, the People's Republic of China, and other entities and persons that are affiliated with them. It also amends certain electronic health record statutes to ensure that such records are physically stored in the continental U.S., not overseas.

Prohibition on Governmental Entity Contracting with Entities of Foreign Countries of Concern

Section 1 of the bill creates s. 287.138, F.S., within chapter 287, part I, F.S., which governs commodities, insurance, and contractual services, to prohibit contracting between governmental entities and entities of foreign countries of concern.

The bill defines the following terms for purposes of the new statute:

- “Controlling interest” means possession of the power to direct or cause the direction of the management or policies of a company, whether through ownership of securities, by contract, or otherwise. A person or entity that directly or indirectly has the right to vote 25 percent or more of the voting interests of the company or is entitled to 25 percent or more of its profits is presumed to possess a controlling interest in that company.
- “Department” means the Department of Management Services.
- “Foreign country of concern” means:
 - The People's Republic of China.
 - The Russian Federation.
 - The Islamic Republic of Iran.
 - The Democratic People's Republic of Korea.
 - The Republic of Cuba.
 - The Venezuelan regime of Nicolás Maduro.
 - The Syrian Arab Republic.
 - Any agency of, or any other entity under the significant control of, one of the above-listed foreign countries of concern.
- “Governmental entity” means any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, but not limited to, the Commission on Ethics, the Public Service Commission, the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.

The bill provides that governmental entities may not knowingly enter into a contract with an entity which would give access to an individual's personal identifying information if:

⁵⁰ Section 775.082(3)(d), F.S.

⁵¹ Section 775.083(1)(b), F.S.

⁵² See generally s. 775.084, F.S. (providing heightened punishments for habitual offenders).

- The entity is owned by the government of a foreign country of concern;
- The government of a foreign country of concern has a controlling interest in the entity; or
- The entity is organized under the laws of or has its principal place of business in a foreign country of concern.

Additionally, the bill provides that:

- Beginning January 1, 2024, a governmental entity may not accept a bid on, a proposal for, or a reply to, or enter into, a contract with an entity which would grant the entity access to an individual's personal identifying information unless the entity provides the governmental entity with an affidavit signed by an officer or representative of the entity under penalty of perjury attesting that the entity does not meet any of the criteria in the new statute.
- Beginning July 1, 2025:
 - A governmental entity may not extend or renew a contract with one of the entities listed above if the contract would give such entity access to an individual's personal identifying information.
 - When an entity extends or renews a contract with a governmental entity which would grant the entity access to an individual's personal identifying information, the entity must provide the governmental entity with an affidavit signed by an officer or representative of the entity under penalty of perjury attesting that the entity does not meet any of the criteria in the new statute.

The bill authorizes the Attorney General to bring a civil action in any court of competent jurisdiction against an entity that violates the statute. Violations of the statute may result in:

- A civil penalty equal to twice the amount of the contract for which the entity submitted a bid or proposal for, replied to, or entered into.
- Ineligibility to enter into, renew, or extend any contract, including any grant agreements, with any governmental entity for up to 5 years.
- Ineligibility to receive or renew any license, certification, or credential issued by a governmental entity for up to 5 years.
- Placement on the suspended vendor list.⁵³

Any penalties collected from entities that violate the statute must be deposited into the General Revenue Fund.

The bill also authorizes the department to adopt rules to implement the statute, including rules establishing the form for the affidavit required under the statute.

Prohibition on Contracting for an Economic Incentive with a Foreign Entity

Section 2 of the bill creates s. 288.007, F.S., to prohibit governmental entities from entering into contracts for an economic incentive with a foreign entity.

The bill defines the following terms for purposes of the new statute:

- "Controlled by" means having possession of the power to direct or cause the direction of the management or policies of a company, whether through ownership of securities, by contract,

⁵³ See s. 287.1351, F.S. (providing for the suspension of certain vendors).

or otherwise. A person or entity that directly or indirectly has the right to vote 25 percent or more of the voting interests of the company, or that is entitled to 25 percent or more of its profits, is presumed to control the foreign entity.

- “Economic incentive” means all programs administered by, or for which an applicant for the program must seek certification, approval, or other action by, the department under chapter 288, F.S. (governing commercial development and capital improvements), chapter 212, F.S. (governing tax on sales, use, and other transactions), or chapter 220, F.S. (the income tax code), and all local economic development programs, grants, or financial benefits administered by a political subdivision or an agent thereof.
- “Foreign country of concern” has the same meaning as defined later in the bill.⁵⁴
- “Foreign entity” means an entity that is:
 - Owned or controlled by the government of a foreign country of concern; or
 - A partnership, association, corporation, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country of concern, or a subsidiary of such entity.
- “Government entity” means a state agency, a political subdivision, or any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.

The bill provides that a government entity may not knowingly enter into an agreement or contract for an economic incentive with a foreign entity. Before providing any economic incentive, a government entity must require the recipient or applicant to provide the government entity with an affidavit signed under penalty of perjury attesting that the recipient or applicant is not a foreign entity.

The bill also requires the department to adopt rules to administer the new statute, including rules establishing the form for the required affidavit.

Prohibition of Conveyances to Foreign Entities

Section 3 of the bill directs the Division of Law Revision to create part III of chapter 692, F.S., consisting of ss. 692.201, 692.202, 692.203, and 692.204, F.S., to be entitled “Conveyances to Foreign Entities.”

Definitions

Section 4 of the bill creates s. 692.201, F.S., which defines the following terms for purposes of part III of chapter 692, F.S.:

- “Agricultural land” means land classified as agricultural under state law.⁵⁵
- “Critical infrastructure facility” means any of the following, if it employs measures such as fences, barriers, or guard posts that are designed to exclude unauthorized persons:
 - A chemical manufacturing facility.
 - A refinery.

⁵⁴ See s. 4 of the bill (creating s. 692.201(3), F.S., which defines “foreign country of concern”).

⁵⁵ See s. 193.461, F.S. (providing the agricultural land classification process).

- An electrical power plant, including a substation, switching station, electrical control center, or electric transmission or distribution facility.⁵⁶
- A water intake structure, water treatment facility, wastewater treatment plant, or pump station.
- A natural gas transmission compressor station.
- A liquid natural gas terminal or storage facility.
- A telecommunications central switching office.
- An inland port or other facility or group of facilities serving as a point of intermodal transfer of freight in a specific area physically separated from a seaport.
- A gas processing plant, including a plant used in the processing, treatment, or fractionation of natural gas.
- A seaport.⁵⁷
- A spaceport territory.⁵⁸
- “Foreign country of concern” means:
 - The People’s Republic of China.
 - The Russian Federation.
 - The Islamic Republic of Iran.
 - The Democratic People’s Republic of Korea.
 - The Republic of Cuba.
 - The Venezuelan regime of Nicolás Maduro.
 - The Syrian Arab Republic.
 - Any agency of, or any other entity under the significant control of, one of the above-listed foreign countries of concern.
- “Foreign principal” means:
 - The government or any official of the government of a foreign country of concern;
 - A political party or member of a political party or any subdivision of a political party in a foreign country of concern;
 - A partnership, association, corporation, organization, or other combination of persons organized under the laws of, or having its principal place of business in, a foreign country of concern, or a subsidiary of such entity; or
 - Any person who is domiciled in a foreign country of concern and is not a citizen of the U.S.
- “Military installation” means a base, camp, post, station, yard, center, or other activity under the jurisdiction of the secretary of a military department or, in the case of an activity in a foreign country, under the operational control of the secretary of a military department or the

⁵⁶ See s. 403.031(20), F.S. (defining “electrical power plant” as meaning any electrical generating facility that uses any process or fuel and that is owned or operated by an electric utility, as defined in s. 403.503(14), and includes any associated facility that directly supports the operation of the electrical power plant).

⁵⁷ See s. 311.09(1), F.S. (listing the ports of Jacksonville, Port Canaveral, Port Citrus, Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee, St. Petersburg, Putnam County, Tampa, Port St. Joe, Panama City, Pensacola, Key West, and Fernandina).

⁵⁸ See s. 331.303(18), F.S. (defining “spaceport territory” as the geographical area designated in s. 331.304, F.S., and as amended or changed in accordance with s. 331.329, F.S.; it includes, but is not limited to, the real property located in Brevard County that is included within the 1998 boundaries of Patrick Space Force Base, formerly Patrick Air Force Base; Cape Canaveral Space Force Station, formerly Cape Canaveral Air Force Station; and the John F. Kennedy Space Center).

Secretary of Defense, without regard to the duration of operational control.⁵⁹ For purposes of the bill, military installations include armories.⁶⁰

- “Real property” means land, buildings, fixtures, and all other improvements to land.

Purchase of Agricultural Land by Foreign Principals

Section 5 of the bill creates s. 692.202, F.S., to prohibit the purchase of agricultural land by foreign principals.

The bill provides that a foreign principal may not directly or indirectly own or acquire by purchase, grant, devise, or descent agricultural land or any interest in such land in the state. This prohibition does not apply to a foreign principal that acquires agricultural land for a diplomatic purpose that is recognized, acknowledged, or allowed by the Federal Government.

A foreign principal that directly or indirectly owns or acquires agricultural land or any interest in such land in the state before July 1, 2023:

- May continue to own or hold such land or interest, but may not purchase or otherwise acquire by grant, devise, or descent any additional agricultural land or interest in such land in the state.
- Must register with the Department of Agriculture and Consumer Services by January 1, 2024. The department must establish a form for such registration, which, at minimum, must include all of the following:
 - The name of the owner of the agricultural land or the owner of the interest in such land.
 - The address of the agricultural land, the property appraiser’s parcel identification number, and the property’s legal description.
 - The number of acres of the agricultural land.

A foreign principal that fails to timely file a registration with the department is subject to a civil penalty of \$1,000 for each day that the registration is late. The department may place a lien against the unregistered agricultural land for the unpaid balance of any penalties assessed under the new statute.

The bill clarifies that notwithstanding the general prohibition in the bill, a foreign principal can still acquire agricultural land on or after July 1, 2023, by devise or descent, through the enforcement of security interests, or through the collection of debts, but must sell, transfer, or otherwise divest itself of the agricultural land within 2 years after acquiring the agricultural land.

At the time of purchase, a buyer of agricultural land, or an interest in such land, must provide an affidavit signed under penalty of perjury attesting to compliance with this section. The failure to obtain or maintain the affidavit does not affect the title or insurability of the title for the agricultural land. The Florida Real Estate Commission must adopt rules to implement this provision, including rules establishing the form for the affidavit required under this provision.

⁵⁹ 10 U.S.C. s. 2801(c)(4).

⁶⁰ See s. 250.01(5), F.S. (defining an “armory” as a building or group of buildings used primarily for housing and training troops or for storing military property, supplies, or records).

The bill provides that an agricultural land, or any interest in such land, that is owned or acquired in violation of the new statute may be forfeited to the state. In connection with such forfeitures, the bill provides:

- The Department of Agriculture and Consumer Services may initiate a civil action in the circuit court of the county in which the property lies.
- Upon filing such action, the clerk must record a lis pendens in accordance with state law.⁶¹ The court must advance the cause on the calendar. The defendant may at any time petition to modify or discharge the lis pendens based upon a finding that there is no probable cause to believe that the agricultural land, or any portion thereof, is owned or held in violation of the new statute.
- If the court finds that the agricultural land, or any portion thereof, is owned or held in violation of the new statute, the court must enter a final judgment of forfeiture vesting title to the agricultural land in the state, subject only to the rights and interests of bona fide lienholders, and such final judgment relates back to the date of the lis pendens.
- The department may sell the agricultural land subject to a final judgment of forfeiture. Any proceeds from the sale must first be paid to any lienholders of the land, followed by payment of any outstanding fines assessed pursuant to the new statute, after which the department must be reimbursed for all costs related to the forfeiture civil action and any costs related to the sale of the land. Any remaining proceeds must be paid to the property owner.
- At any time during the forfeiture proceeding the department may seek an ex parte order of seizure of the agricultural land upon a showing that the defendant's control of the agricultural land constitutes a clear and present danger to the state.

The bill provides the following criminal penalties:

- A foreign principal that purchases or acquires agricultural land or any interest therein in violation of the new statute commits a misdemeanor of the second degree, punishable by a term of imprisonment not exceeding 60 days⁶² and a \$500 fine.⁶³
- A person who knowingly sells agricultural land or any interest therein in violation of the new statute commits a misdemeanor of the second degree, punishable by a term of imprisonment not exceeding 60 days⁶⁴ and a \$500 fine.⁶⁵

The bill also requires the Department of Agriculture and Consumer Services to adopt rules to implement the new statute.

Purchase of Real Property around Military Installation and Critical Infrastructure Facilities by Foreign Principals

Section 6 of the bill creates s. 692.203, F.S., to prohibit the purchase of real property around military installations and critical infrastructure facilities by foreign principals.

The bill provides that a foreign principal may not directly or indirectly own or acquire by purchase, grant, devise, or descent any interest in real property within 20 miles of any military

⁶¹ See s. 48.23, F.S. (addressing the recordation of notices of lis pendens in particular circumstances).

⁶² Section 775.082(4)(b), F.S.

⁶³ Section 775.083(1)(e), F.S.

⁶⁴ Section 775.082(4)(b), F.S.

⁶⁵ Section 775.083(1)(e), F.S.

installation or critical infrastructure facility in the state. This prohibition does not apply to a foreign principal that acquires real property for a diplomatic purpose that is recognized, acknowledged, or allowed by the Federal Government.

A foreign principal that directly or indirectly owns or acquires any interest in real property within 20 miles of any military installation or critical infrastructure facility in the state before July 1, 2023, may continue to own or hold such real property, but may not purchase or otherwise acquire by grant, devise, or descent any additional real property within 20 miles of any military installation or critical infrastructure facility in the state.

The bill provides that a foreign principal that owns or acquires real property within 20 miles of any military installation or critical infrastructure facility in the state before July 1, 2023, must register with the Department of Economic Opportunity by January 1, 2024. The department must establish a form for such registration which, at a minimum, must include all of the following:

- The name of the owner of the real property.
- The address of the real property, the property appraiser's parcel identification number, and the property's legal description.

A foreign principal that fails to timely file a registration with the department is subject to a civil penalty of \$1,000 for each day that the registration is late. The department may place a lien against the unregistered real property for the unpaid balance of any penalties assessed under this provision.

The bill clarifies that notwithstanding the general prohibition in the bill, a foreign principal can still acquire real property, or any interest therein, which is within 20 miles of any military installation or critical infrastructure facility in the state on or after July 1, 2023, by devise or descent, through the enforcement of security interests, or through the collection of debts, but must sell, transfer, or otherwise divest itself of such real property within 2 years after acquiring the real property.

At the time of purchase, a buyer of real property that is located within 20 miles of any military installation or critical infrastructure facility in the state must provide an affidavit signed under penalty of perjury attesting to compliance with the new statute. The failure to obtain or maintain the affidavit does not affect the title or insurability of the title for the real property. The Florida Real Estate Commission must adopt rules to implement this provision, including rules establishing the form for the affidavit required under this provision.

The bill provides that if any real property is owned or acquired in violation of the new statute, it may be forfeited to the state. In connection with such forfeitures, the bill provides:

- The Department of Economic Opportunity may initiate a civil action in the circuit court of the county in which the property lies for the forfeiture of the real property or any interest therein.
- Upon filing such action, the clerk must record a lis pendens in accordance with state law.⁶⁶ The court must advance the cause on the calendar. The defendant may at any time petition to modify or discharge the lis pendens based upon a finding that there is no probable cause to

⁶⁶ See s. 48.23, F.S. (addressing the recordation of notices of lis pendens in particular circumstances).

believe that the real property, or any portion thereof, is owned or held in violation of the new statute.

- If the court finds that the real property, or any portion thereof, is owned or held in violation of the new statute, the court must enter a final judgment of forfeiture vesting title to the real property in the state, subject only to the rights and interests of bona fide lienholders, and such final judgment relates back to the date of the lis pendens.
- The department may sell the real property subject to a final judgment of forfeiture. Any proceeds from the sale must first be paid to any lienholders of the land, followed by payment of any outstanding fines assessed pursuant to the new statute, after which the department must be reimbursed for all costs related to the forfeiture civil action and any costs related to the sale of the land. Any remaining proceeds must be paid to the property owner.
- At any time during the forfeiture proceeding the department may seek an ex parte order of seizure of the real property upon a showing that the defendant's control of the real property constitutes a clear and present danger to the state.

The bill provides the following criminal penalties:

- A foreign principal that purchases or acquires real property or any interest therein in violation of the new statute commits a misdemeanor of the second degree, punishable by a term of imprisonment not exceeding 60 days⁶⁷ and a \$500 fine.⁶⁸
- A person who knowingly sells real property or any interest therein in violation of this section commits a misdemeanor of the second degree, punishable by a term of imprisonment not exceeding 60 days⁶⁹ and a \$500 fine.⁷⁰

The bill also requires the Department of Economic Opportunity to adopt rules to implement the new statute.

Purchase or Acquisition of Real Property by the People's Republic of China

Section 7 of the bill creates s. 692.204, F.S., to prohibit the purchase or acquisition of real property by the People's Republic of China.

The bill prohibits the following persons or entities from directly or indirectly owning or acquiring by purchase, grant, devise, or descent any interest in real property in the state:

- The People's Republic of China, the Chinese Communist Party, or any official or member of the People's Republic of China or the Chinese Communist Party.
- Any other political party or member of a political party or a subdivision of a political party in the People's Republic of China.
- A partnership, an association, a corporation, an organization, or any other combination of persons organized under the laws of or having its principal place of business in the People's Republic of China, or a subsidiary of such entity.
- Any person who is domiciled in the People's Republic of China and who is not a citizen of the U.S.

⁶⁷ Section 775.082(4)(b), F.S.

⁶⁸ Section 775.083(1)(e), F.S.

⁶⁹ Section 775.082(4)(b), F.S.

⁷⁰ Section 775.083(1)(e), F.S.

This prohibition does not apply to a person or entity of the People's Republic of China that acquires real property for a diplomatic purpose that is recognized, acknowledged, or allowed by the Federal Government.

Any person or entity described above that directly or indirectly owns or acquires any interest in real property in the state before July 1, 2023, may continue to own or hold such real property, but may not purchase or otherwise acquire by grant, devise, or descent any additional real property in the state.

The bill provides that any person or entity described above that owns or acquires real property in the state before July 1, 2023, must register with the Department of Economic Opportunity by January 1, 2024. The department must establish a form for such registration which, at a minimum, must include all of the following:

- The name of the owner of the real property.
- The address of the real property, the property appraiser's parcel identification number, and the property's legal description.

A person or entity that fails to timely file a registration with the department is subject to a civil penalty of \$1,000 for each day that the registration is late. The department may place a lien against the unregistered real property for the unpaid balance of any penalties assessed under this paragraph.

The bill clarifies that notwithstanding the general prohibition in the bill, a Chinese person or entity can still acquire real property in the state on or after July 1, 2023, by devise or descent, through the enforcement of security interests, or through the collection of debts, but must sell, transfer, or otherwise divest itself of such real property within 2 years after acquiring the real property unless the person or entity acquired the real property for a diplomatic purpose that is recognized, acknowledged, or allowed by the Federal Government.

At the time of purchase, a buyer of real property in the state must provide an affidavit signed under penalty of perjury attesting to compliance with the new statute. The failure to obtain or maintain the affidavit does not affect the title or insurability of the title for the real property. The Florida Real Estate Commission must adopt rules to implement this subsection, including rules establishing the form for the affidavit required under this subsection.

The bill provides that if any real property is owned or acquired in violation of the new statute, it may be forfeited to the state. In connection with such forfeitures, the bill provides:

- The Department of Economic Opportunity may initiate a civil action in the circuit court of the county in which the property lies for the forfeiture of the real property or any interest therein.
- Upon filing such action, the clerk must record a lis pendens in accordance with state law.⁷¹ The court must advance the cause on the calendar. The defendant may at any time petition to modify or discharge the lis pendens based upon a finding that there is no probable cause to believe that the real property, or any portion thereof, is owned or held in violation of the new statute.

⁷¹ See s. 48.23, F.S. (addressing the recordation of notices of lis pendens in particular circumstances).

- If the court finds that the real property, or any portion thereof, is owned or held in violation of the new statute, the court must enter a final judgment of forfeiture vesting title to the real property in the state, subject only to the rights and interests of bona fide lienholders, and such final judgment relates back to the date of the lis pendens.
- The department may sell the real property subject to a final judgment of forfeiture. Any proceeds from the sale must first be paid to any lienholders of the land, followed by payment of any outstanding fines assessed pursuant to the new statute, after which the department must be reimbursed for all costs related to the forfeiture civil action and any costs related to the sale of the land. Any remaining proceeds must be paid to the property owner.
- At any time during the forfeiture proceeding the department may seek an ex parte order of seizure of the real property upon a showing that the defendant's control of the real property constitutes a clear and present danger to the state.

The bill provides the following criminal penalties:

- A violation of this section constitutes a felony of the third degree, punishable by a term of imprisonment not exceeding 5 years⁷² and a \$5,000 fine,⁷³ or possibly more under the habitual offender statute.⁷⁴
- A person who sells real property or any interest therein in violation of the new statute commits a misdemeanor of the first degree, punishable by a term of imprisonment not exceeding 1 year⁷⁵ and a \$1,000 fine.⁷⁶

The bill also requires the Department of Economic Opportunity to adopt rules to implement the new statute.

Amendments to the Florida Electronic Health Records Act

Section 8 of the bill amends s. 408.051, F.S., the Florida Electronic Health Records Exchange Act (Act), by adding two definitions and by requiring that the offsite storage of certain personal medical information be physically maintained in the continental U.S.

First, for purposes of the Act, the bill incorporates the definition for “cloud computing” found in chapter 282, part I, F.S., which governs information technology management. That definition⁷⁷ provides that cloud computing has the same meaning as provided in Special Publication 800-145 issued by the National Institute of Standards and Technology, which reads as follows:

Cloud computing is a model for enabling ubiquitous, convenient, on-demand network access to a shared pool of configurable computing resources (e.g., networks, servers, storage, applications, and services) that can be rapidly provisioned and released with minimal management effort or

⁷² Section 775.082(3)(e), F.S.

⁷³ Section 775.083(1)(c), F.S.

⁷⁴ See generally s. 775.084, F.S. (providing heightened punishments for habitual offenders).

⁷⁵ Section 775.082(4)(a), F.S.

⁷⁶ Section 775.083(1)(d), F.S.

⁷⁷ Section 282.0041(5), F.S.

service provider interaction. This cloud model is composed of five essential characteristics, three service models, and four deployment models.⁷⁸

Second, for purposes of the Act, the bill defines the term “health care provider” as including all of the following:

- Any provider as defined in the Health Care Licensing Procedures Act;⁷⁹
- Any health care practitioner as defined in chapter 456, F.S., which governs health professions and occupations;⁸⁰
- Any health care professional certified under the Radiological Personnel Certification Act;⁸¹
- Any home health aide as defined in the Home Health Services Act;⁸²
- Any service provider as defined in the Florida Mental Health Act,⁸³ and the service provider’s clinical and nonclinical staff who provide inpatient or outpatient services;
- Any licensed continuing care facility;⁸⁴ and
- Any pharmacy permitted under the Florida Pharmacy Act.⁸⁵

Third, the bill amends the Act to provide that in addition to complying with certain federal standards regulating the privacy of individually identifiable health information,⁸⁶ a health care provider that utilizes certified electronic health record technology must ensure that all patient information stored in an offsite physical or virtual environment, including through a third-party or subcontracted computing facility or an entity providing cloud computing services, is physically maintained in the continental U.S. The bill applies this provision to all qualified electronic health records that are stored using any technology that can allow information to be electronically retrieved, accessed, or transmitted.

⁷⁸ U.S. Department of Commerce, National Institute of Standards and Technology, *Special Publication 800-145 (The NIST Definition of Cloud Computing)* (Sept. 2011), available at <https://nvlpubs.nist.gov/nistpubs/Legacy/SP/nistspecialpublication800-145.pdf> (also identifying the referenced five essential characteristics, three service models, and four deployment models) (footnotes omitted).

⁷⁹ See s. 408.803(12), F.S. (defining “provider” as any activity, service, agency, or facility regulated by Agency for Health Care Administration and listed in s. 408.802, F.S.).

⁸⁰ See s. 456.001(4), F.S. (defining “health care practitioner” as any person licensed under one of the listed statutes).

⁸¹ Chapter 468, part IV, F.S.

⁸² See s. 400.462, F.S. (defining “home health aide” as a person who is trained or qualified, as provided by rule, and who provides hands-on personal care, performs simple procedures as an extension of therapy or nursing services, assists in ambulation or exercises, assists in administering medications as permitted in rule and for which the person has received training established by the agency under part III (regulating home health services), or performs tasks delegated to him or her under ch. 464, F.S. (regulating nursing)).

⁸³ See s. 394.455(45), F.S. (defining “service provider” as a receiving facility, a facility licensed under ch. 397, F.S. (governing substance abuse services), a treatment facility, an entity under contract with the department to provide mental health or substance abuse services, a community mental health center or clinic, a psychologist, a clinical social worker, a marriage and family therapist, a mental health counselor, a physician, a psychiatrist, an advanced practice registered nurse, a psychiatric nurse, or a qualified professional as defined in s. 39.01, F.S. (referencing licensed physicians, physician assistants, psychiatrists, psychologists, and psychiatric nurses)).

⁸⁴ See ch. 651, F.S. (governing continuing care contracts).

⁸⁵ Chapter 465, F.S.

⁸⁶ 45 C.F.R. pts. 160 and 164 (subparts A and C).

Amendments to the Health Care Licensing Procedures Act

Section 9 of the bill amends s. 408.810, F.S., which provides certain minimum licensure requirements for health care providers.⁸⁷

The bill provides that a licensee must sign an affidavit at the time of his or her initial application for a license, and on any renewal applications thereafter, that attests under penalty of perjury that he or she is in compliance with the bill, specifically the requirement in the bill that health care providers using certified electronic health record technology ensure that all patient information stored in an offsite physical or virtual environment is physically maintained in the continental U.S. The licensee must remain in compliance with this requirement or be subject to disciplinary action by the agency.

The licensee must also ensure that a person or entity who possesses a controlling interest in the licensee does not also hold, either directly or indirectly, regardless of ownership structure, an interest in an entity that has a business relationship with a foreign country of concern or that is subject to the statute prohibiting contracting with scrutinized companies.⁸⁸

For purposes of this provision, the bill defines the following terms:

- “Business relationship” means engaging in commerce in any form, including, but not limited to, acquiring, developing, maintaining, owning, selling, possessing, leasing, or operating equipment, facilities, personnel, products, services, personal property, real property, military equipment, or any other apparatus of business or commerce.
- “Foreign country of concern” has the same meaning as provided earlier in the bill.⁸⁹
- Having an “interest” in an entity means having any direct or indirect investment in or loan to the entity valued at 5 percent or more of the entity’s net worth, or any form of direct or indirect control exerting similar or greater influence on the governance of the entity.⁹⁰

Amendments to the Statute Criminalizing Threats and Extortion

Section 10 of the bill amends s. 836.05, F.S., which criminalizes threats and extortion, to provide that a person who commits a violation of the statute and at the time of the violation is acting as a foreign agent as defined in state law,⁹¹ with the intent of benefitting a foreign country of concern as defined earlier in the bill,⁹² commits a felony of the first degree, punishable by a term of imprisonment of not exceeding 30 years⁹³ and a \$10,000 fine,⁹⁴ or possibly more under the habitual offender statute.⁹⁵

⁸⁷ See *supra* note 79 (defining providers); see also s. 408.802, F.S. (listing regulated providers).

⁸⁸ Section 287.135, F.S.

⁸⁹ See s. 4 of the bill (creating s. 692.201(3), F.S., which defines “foreign country of concern”).

⁹⁰ See s. 286.101(1), F.S. (defining “interest”).

⁹¹ See s. 812.081(1)(b), F.S. (defining “foreign agent” as any officer, employee, proxy, servant, delegate, or representative of a foreign government).

⁹² See s. 4 of the bill (creating s. 692.201(3), F.S., which defines “foreign country of concern”).

⁹³ Section 775.082(3)(b)1., F.S.

⁹⁴ Section 775.083(1)(b), F.S.

⁹⁵ See generally s. 775.084, F.S. (providing heightened punishments for habitual offenders).

Effective Date

The bill takes effect on July 1, 2023.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

A state's power to apply its law exclusively to its alien inhabitants as a class is confined to narrow limits. However, each state, in the absence of any treaty provision to the contrary, may deny to aliens the right to own land within its border.⁹⁶

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Under the bill, governmental entities are prohibited from knowingly entering into contracts for an economic incentive with a foreign entity. Accordingly, foreign entities (as defined in the bill) will no longer be able to avail themselves of such economic incentives in connection with their projects.

The bill provides that foreign principals who acquired agricultural land or land within 20 miles of a military installation or critical infrastructure facility before July 1, 2023 may

⁹⁶ See *Graham v. Ramani*, 383 So. 2d 634, 635 (Fla. 1980) (recognizing that the U.S. Supreme Court has upheld statutes denying aliens the right to acquire land and citing in support *Terrace v. Thompson*, 263 U.S. 197 (1923); *Terrace* upheld a state of Washington statute prohibiting the ownership of land within the state by nondeclarant aliens, finding that the “privilege of owning or controlling agricultural land within the state” and the “allegiance of those who own, occupy and use the farm lands within its borders are matters of highest importance and affect the safety and power of the state itself” (*id.* at 221)).

continue to own those lands, but may not expand upon their ownership after that date. Similarly, Chinese businesses, and persons who are domiciled in China and not U.S. citizens, who acquired real property before July 1, 2023 may continue to own those lands, but may not expand upon their ownership after that date. To the extent any of these foreign principals, businesses, or persons' business plans assumed future expansions of land ownership, those plans will be negatively impacted by the bill.

The bill requires health care providers that use certified electronic health care technology to ensure that all patient information stored in an offsite physical or virtual environment, including through a third-party or subcontracted facility or an entity providing cloud computing services, is maintained in the continental U.S. To the extent such patient information is not already maintained in the continental U.S., health care providers will incur costs moving that information into the continental U.S.

C. Government Sector Impact:

Under the bill, governmental entities may not contract with entities of foreign countries of concern. To the extent contracting with entities of foreign countries of concern might have resulted in more favorable contractual terms than contracting with other entities, governmental entities will be negatively impacted by the bill.

The bill authorizes the Attorney General, Department of Agriculture and Consumer Services, and the Department of Economic Opportunity to enforce certain affidavit preparation and property forfeiture provisions in the bill. Additionally, the bill requires the Department of Management Services, the Florida Real Estate Commission, and the Department of Economic Opportunity to adopt rules to implement various provisions of the bill. Although these state agencies will incur costs associated with these efforts, it is anticipated that they will be minimal and absorbed by their existing budget allocations.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates the following sections of the Florida Statutes: 287.138, 288.007, 692.201, 692.202, 692.203, and 692.204.

This bill substantially amends the following sections of the Florida Statutes: 408.051, 408.810, and 836.05.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Judiciary on March 14, 2023:

- Revises the definitions of “foreign entity” and “foreign principal,” and the category of Chinese persons and entities that are prohibited from owning or acquiring protected lands in the state, to include the subsidiaries of those entities.
- Clarifies that notwithstanding the general prohibitions in the bill, foreign principals and Chinese persons and entities may still acquire protected lands on or after the effective date, but must divest themselves of those lands within 2 years unless a diplomatic exemption applies.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.

EXHIBIT 37

By the Committee on Judiciary; and Senators Collins and Avila

590-02576-23

2023264c1

1 A bill to be entitled
2 An act relating to interests of foreign countries;
3 creating s. 287.138, F.S.; defining terms; prohibiting
4 governmental entities from knowingly entering into
5 certain contracts; prohibiting governmental entities
6 from taking specified actions after a specified date
7 relating to contracts that give certain access to
8 personal identifying information; providing an
9 exception; authorizing the Attorney General to bring a
10 civil action; providing penalties; requiring penalties
11 to be deposited into the General Revenue Fund;
12 requiring the Department of Management Services to
13 adopt rules; creating s. 288.007, F.S.; defining
14 terms; prohibiting governmental entities from
15 knowingly entering into certain contracts; requiring
16 government entities to require an affidavit from
17 applicants before providing any economic incentive;
18 requiring the Department of Economic Opportunity to
19 adopt rules; providing a directive to the Division of
20 Law Revision to create part III of ch. 692, F.S., to
21 be entitled "Conveyances to Foreign Entities";
22 creating s. 692.201, F.S.; defining terms; creating
23 ss. 692.202 and 692.203, F.S.; prohibiting foreign
24 principals from purchasing agricultural land, or
25 interest in such land, and certain real property in
26 the state, respectively; authorizing foreign
27 principals to continue to own or hold such land or
28 property under certain circumstances; requiring
29 certain foreign principals that own or acquire such

590-02576-23

2023264c1

30 land or real property to register with a specified
31 department; requiring the Department of Agriculture
32 and Consumer Services and the Department of Economic
33 Opportunity, respectively, to establish a form for
34 such registration; providing civil penalties;
35 authorizing the Department of Agriculture and Consumer
36 Services and the Department of Economic Opportunity to
37 place a lien against unregistered agricultural land or
38 real property, respectively; requiring certain foreign
39 principals to sell, transfer, or otherwise divest
40 themselves of certain agricultural land or real
41 property within a specified timeframe; requiring
42 buyers of such land or property to provide a signed
43 affidavit; specifying that the failure to maintain or
44 obtain the affidavit does not affect the title or
45 insurability of the title for the agricultural land or
46 real property, respectively; authorizing the Florida
47 Real Estate Commission to adopt rules; authorizing
48 certain agricultural land or real property to be
49 forfeited to the state; authorizing the Department of
50 Agriculture and Consumer Services and the Department
51 of Economic Opportunity to initiate civil actions for
52 forfeiture of the interest in agricultural land or
53 real property, respectively; requiring such actions to
54 be filed in a certain circuit court; requiring clerks
55 to record a lis pendens; requiring courts to advance
56 the cause on the calendar; authorizing defendants to
57 petition to modify or discharge the lis pendens;
58 requiring the court to enter a specified final

590-02576-23

2023264c1

59 judgment under certain circumstances; authorizing the
60 Department of Agriculture and Consumer Services and
61 the Department of Economic Opportunity, respectively,
62 to sell the agricultural land or real property;
63 providing requirements for the proceeds from such
64 sale; authorizing the Department of Agriculture and
65 Consumer Services and the Department of Economic
66 Opportunity, respectively, to seek a specified ex
67 parte order; providing criminal penalties; requiring
68 the Department of Agriculture and Consumer Services
69 and the Department of Economic Opportunity,
70 respectively, to adopt rules; creating s. 692.204,
71 F.S.; prohibiting the People's Republic of China, the
72 Chinese Communist Party, any other political party or
73 member of a political party in the People's Republic
74 of China, and certain persons and entities from
75 purchasing or acquiring real property in the state;
76 providing an exception; authorizing such persons and
77 entities to continue to own or hold such real property
78 under certain circumstances; requiring certain persons
79 or entities that own or acquire real property in the
80 state to register with the Department of Economic
81 Opportunity by a specified date; requiring the
82 Department of Economic Opportunity to establish a form
83 for such registration; providing civil penalties;
84 authorizing the Department of Economic Opportunity to
85 place a lien against unregistered real property;
86 requiring certain persons and entities to sell,
87 transfer, or otherwise divest themselves of certain

590-02576-23

2023264c1

88 real property within a specified timeframe; requiring
89 buyers of real property to provide a signed affidavit;
90 specifying that the failure to maintain or obtain the
91 affidavit does not affect the title or insurability of
92 the title for the real property; authorizing the
93 commission to adopt rules; authorizing certain real
94 property to be forfeited to the state; authorizing the
95 Department of Economic Opportunity to initiate civil
96 actions for forfeiture of the interest in real
97 property; requiring such actions to be filed in a
98 certain circuit court; requiring clerks to record a
99 lis pendens; requiring courts to advance the cause on
100 the calendar; authorizing defendants to petition to
101 modify or discharge the lis pendens; requiring the
102 court to enter a specified final judgment under
103 certain circumstances; authorizing the Department of
104 Economic Opportunity to sell the real property;
105 providing requirements for the proceeds from such
106 sale; authorizing the Department of Economic
107 Opportunity to seek a specified ex parte order;
108 providing criminal penalties; requiring the Department
109 of Economic Opportunity to adopt rules; amending s.
110 408.051, F.S.; defining the terms "cloud computing"
111 and "health care provider"; requiring that certain
112 information held by health care providers that utilize
113 certified electronic health record technology be
114 maintained in the continental United States; providing
115 applicability; amending s. 408.810, F.S.; requiring a
116 licensee to sign a specified affidavit upon initial

590-02576-23

2023264c1

117 application for a license and any renewal
118 applications; authorizing disciplinary action by the
119 Agency for Health Care Administration; prohibiting a
120 person or entity that possesses a controlling interest
121 from holding an interest in certain entities;
122 providing definitions; amending s. 836.05, F.S.;
123 providing enhanced criminal penalties for threatening
124 a person while acting as a foreign agent with the
125 intent of benefiting a foreign country of concern;
126 providing an effective date.

127

128 Be It Enacted by the Legislature of the State of Florida:

129

130 Section 1. Section 287.138, Florida Statutes, is created to
131 read:

132 287.138 Contracting with entities of foreign countries of
133 concern prohibited.—

134 (1) As used in this section, the term:

135 (a) "Controlling interest" means possession of the power to
136 direct or cause the direction of the management or policies of a
137 company, whether through ownership of securities, by contract,
138 or otherwise. A person or entity that directly or indirectly has
139 the right to vote 25 percent or more of the voting interests of
140 the company or is entitled to 25 percent or more of its profits
141 is presumed to possess a controlling interest.

142 (b) "Department" means the Department of Management
143 Services.

144 (c) "Foreign country of concern" means the People's
145 Republic of China, the Russian Federation, the Islamic Republic

590-02576-23

2023264c1

146 of Iran, the Democratic People's Republic of Korea, the Republic
147 of Cuba, the Venezuelan regime of Nicolás Maduro, or the Syrian
148 Arab Republic, including any agency of or any other entity of
149 significant control of such foreign country of concern.

150 (d) "Governmental entity" means any state, county,
151 district, authority, or municipal officer, department, division,
152 board, bureau, commission, or other separate unit of government
153 created or established by law including, but not limited to, the
154 Commission on Ethics, the Public Service Commission, the Office
155 of Public Counsel, and any other public or private agency,
156 person, partnership, corporation, or business entity acting on
157 behalf of any public agency.

158 (2) A governmental entity may not knowingly enter into a
159 contract with an entity which would give access to an
160 individual's personal identifying information if:

161 (a) The entity is owned by the government of a foreign
162 country of concern;

163 (b) The government of a foreign country of concern has a
164 controlling interest in the entity; or

165 (c) The entity is organized under the laws of or has its
166 principal place of business in a foreign country of concern.

167 (3) Beginning July 1, 2025, a governmental entity may not
168 extend or renew a contract with an entity listed in paragraphs
169 (2) (a)-(c) if the contract would give such entity access to an
170 individual's personal identifying information.

171 (4) (a) Beginning January 1, 2024, a governmental entity may
172 not accept a bid on, a proposal for, or a reply to, or enter
173 into, a contract with an entity which would grant the entity
174 access to an individual's personal identifying information

590-02576-23

2023264c1

175 unless the entity provides the governmental entity with an
176 affidavit signed by an officer or representative of the entity
177 under penalty of perjury attesting that the entity does not meet
178 any of the criteria in paragraphs (2) (a)-(c).

179 (b) Beginning July 1, 2025, when an entity extends or
180 renews a contract with a governmental entity which would grant
181 the entity access to an individual's personal identifying
182 information, the entity must provide the governmental entity
183 with an affidavit signed by an officer or representative of the
184 entity under penalty of perjury attesting that the entity does
185 not meet any of the criteria in paragraphs (2) (a)-(c).

186 (5) The Attorney General may bring a civil action in any
187 court of competent jurisdiction against an entity that violates
188 this section. Violations of this section may result in:

189 (a) A civil penalty equal to twice the amount of the
190 contract for which the entity submitted a bid or proposal for,
191 replied to, or entered into;

192 (b) Ineligibility to enter into, renew, or extend any
193 contract, including any grant agreements, with any governmental
194 entity for up to 5 years;

195 (c) Ineligibility to receive or renew any license,
196 certification, or credential issued by a governmental entity for
197 up to 5 years; and

198 (d) Placement on the suspended vendor list pursuant to s.
199 287.1351.

200 (6) Any penalties collected under subsection (5) must be
201 deposited into the General Revenue Fund.

202 (7) The department shall adopt rules to implement this
203 section, including rules establishing the form for the affidavit

590-02576-23

2023264c1

204 required under subsection (4).

205 Section 2. Section 288.007, Florida Statutes, is created to
206 read:

207 288.007 Economic incentives to foreign countries of concern
208 prohibited.-

209 (1) As used in this section, the term:

210 (a) "Controlled by" means having possession of the power to
211 direct or cause the direction of the management or policies of a
212 company, whether through ownership of securities, by contract,
213 or otherwise. A person or entity that directly or indirectly has
214 the right to vote 25 percent or more of the voting interests of
215 the company or that is entitled to 25 percent or more of its
216 profits is presumed to control the foreign entity.

217 (b) "Economic incentive" means all programs administered
218 by, or for which an applicant for the program must seek
219 certification, approval, or other action by, the department
220 under this chapter, chapter 212, or chapter 220; and all local
221 economic development programs, grants, or financial benefits
222 administered by a political subdivision or an agent thereof.

223 (c) "Foreign country of concern" has the same meaning as in
224 s. 692.201.

225 (d) "Foreign entity" means an entity that is:

226 1. Owned or controlled by the government of a foreign
227 country of concern; or

228 2. A partnership, association, corporation, organization,
229 or other combination of persons organized under the laws of or
230 having its principal place of business in a foreign country of
231 concern, or a subsidiary of such entity.

232 (e) "Government entity" means a state agency, a political

590-02576-23

2023264c1

233 subdivision, or any other public or private agency, person,
234 partnership, corporation, or business entity acting on behalf of
235 any public agency.

236 (2) A government entity may not knowingly enter into an
237 agreement or contract for an economic incentive with a foreign
238 entity.

239 (3) Before providing any economic incentive, a government
240 entity must require the recipient or applicant to provide the
241 government entity with an affidavit signed under penalty of
242 perjury attesting that the recipient or applicant is not a
243 foreign entity.

244 (4) The department shall adopt rules to administer this
245 section, including rules establishing the form for the affidavit
246 required under subsection (3).

247 Section 3. The Division of Law Revision is directed to
248 create part III of chapter 692, Florida Statutes, consisting of
249 ss. 692.201, 692.202, 692.203, and 692.204, Florida Statutes, to
250 be entitled "Conveyances to Foreign Entities."

251 Section 4. Section 692.201, Florida Statutes, is created to
252 read:

253 692.201 Definitions.—As used in this part, the term:

254 (1) "Agricultural land" means land classified as
255 agricultural under s. 193.461.

256 (2) "Critical infrastructure facility" means any of the
257 following, if it employs measures such as fences, barriers, or
258 guard posts that are designed to exclude unauthorized persons:

259 (a) A chemical manufacturing facility.

260 (b) A refinery.

261 (c) An electrical power plant as defined in s. 403.031(20),

590-02576-23

2023264c1

262 including a substation, switching station, electrical control
263 center, or electric transmission or distribution facility.

264 (d) A water intake structure, water treatment facility,
265 wastewater treatment plant, or pump station.

266 (e) A natural gas transmission compressor station.

267 (f) A liquid natural gas terminal or storage facility.

268 (g) A telecommunications central switching office.

269 (h) An inland port or other facility or group of facilities
270 serving as a point of intermodal transfer of freight in a
271 specific area physically separated from a seaport.

272 (i) A gas processing plant, including a plant used in the
273 processing, treatment, or fractionation of natural gas.

274 (j) A seaport as listed in s. 311.09.

275 (k) A spaceport territory as defined in s. 331.303(18).

276 (3) "Foreign country of concern" means the People's
277 Republic of China, the Russian Federation, the Islamic Republic
278 of Iran, the Democratic People's Republic of Korea, the Republic
279 of Cuba, the Venezuelan regime of Nicolás Maduro, or the Syrian
280 Arab Republic, including any agency of or any other entity of
281 significant control of such foreign country of concern.

282 (4) "Foreign principal" means:

283 (a) The government or any official of the government of a
284 foreign country of concern;

285 (b) A political party or member of a political party or any
286 subdivision of a political party in a foreign country of
287 concern;

288 (c) A partnership, association, corporation, organization,
289 or other combination of persons organized under the laws of or
290 having its principal place of business in a foreign country of

590-02576-23

2023264c1

291 concern, or a subsidiary of such entity;

292 (d) Any person who is domiciled in a foreign country of
293 concern and is not a citizen of the United States.

294 (5) "Military installation" has the same meaning as in 10
295 U.S.C. s. 2801(c) (4) and includes an armory as defined in s.
296 250.01.

297 (6) "Real property" means land, buildings, fixtures, and
298 all other improvements to land.

299 Section 5. Section 692.202, Florida Statutes, is created to
300 read:

301 692.202 Purchase of agricultural land by foreign principals
302 prohibited.—

303 (1) A foreign principal may not directly or indirectly own
304 or acquire by purchase, grant, devise, or descent agricultural
305 land or any interest in such land in the state. This prohibition
306 does not apply to a foreign principal that acquires agricultural
307 land for a diplomatic purpose that is recognized, acknowledged,
308 or allowed by the Federal Government.

309 (2) A foreign principal that directly or indirectly owns or
310 acquires agricultural land or any interest in such land in the
311 state before July 1, 2023, may continue to own or hold such land
312 or interest, but may not purchase or otherwise acquire by grant,
313 devise, or descent any additional agricultural land or interest
314 in such land in the state.

315 (3) (a) A foreign principal that directly or indirectly owns
316 or acquires agricultural land or any interest in such land in
317 the state before July 1, 2023, must register with the Department
318 of Agriculture and Consumer Services by January 1, 2024. The
319 department must establish a form for such registration, which,

590-02576-23

2023264c1

320 at minimum, must include all of the following:

321 1. The name of the owner of the agricultural land or the
322 owner of the interest in such land.

323 2. The address of the agricultural land, the property
324 appraiser's parcel identification number, and the property's
325 legal description.

326 3. The number of acres of the agricultural land.

327 (b) A foreign principal that fails to timely file a
328 registration with the department is subject to a civil penalty
329 of \$1,000 for each day that the registration is late. The
330 department may place a lien against the unregistered
331 agricultural land for the unpaid balance of any penalties
332 assessed under this paragraph.

333 (4) Notwithstanding subsection (1), a foreign principal may
334 acquire agricultural land on or after July 1, 2023, by devise or
335 descent, through the enforcement of security interests, or
336 through the collection of debts, provided that the foreign
337 principal sells, transfers, or otherwise divests itself of the
338 agricultural land within 2 years after acquiring the
339 agricultural land.

340 (5) At the time of purchase, a buyer of agricultural land
341 or an interest in such land must provide an affidavit signed
342 under penalty of perjury attesting to compliance with this
343 section. The failure to obtain or maintain the affidavit does
344 not affect the title or insurability of the title for the
345 agricultural land. The Florida Real Estate Commission shall
346 adopt rules to implement this subsection, including rules
347 establishing the form for the affidavit required under this
348 subsection.

590-02576-23

2023264c1

349 (6) (a) The agricultural land or an interest in such land
350 that is owned or acquired in violation of this section may be
351 forfeited to the state.

352 (b) The Department of Agriculture and Consumer Services may
353 initiate a civil action in the circuit court of the county in
354 which the property lies for the forfeiture of the agricultural
355 land or any interest therein.

356 (c) Upon filing such action, the clerk must record a lis
357 pendens in accordance with s. 48.23. The court must advance the
358 cause on the calendar. The defendant may at any time petition to
359 modify or discharge the lis pendens based upon a finding that
360 there is no probable cause to believe that the agricultural
361 land, or any portion thereof, is owned or held in violation of
362 this section.

363 (d) If the court finds that the agricultural land, or any
364 portion thereof, is owned or held in violation of this section,
365 the court must enter a final judgment of forfeiture vesting
366 title to the agricultural land in the state, subject only to the
367 rights and interests of bona fide lienholders, and such final
368 judgment relates back to the date of the lis pendens.

369 (e) The department may sell the agricultural land subject
370 to a final judgment of forfeiture. Any proceeds from the sale
371 must first be paid to any lienholders of the land, followed by
372 payment of any outstanding fines assessed pursuant to this
373 section, after which the department must be reimbursed for all
374 costs related to the forfeiture civil action and any costs
375 related to the sale of the land. Any remaining proceeds must be
376 paid to the property owner.

377 (f) At any time during the forfeiture proceeding the

590-02576-23

2023264c1

378 department may seek an ex parte order of seizure of the
379 agricultural land upon a showing that the defendant's control of
380 the agricultural land constitutes a clear and present danger to
381 the state.

382 (7) A foreign principal that purchases or acquires
383 agricultural land or any interest therein in violation of this
384 section commits a misdemeanor of the second degree, punishable
385 as provided in s. 775.082 or s. 775.083.

386 (8) A person who knowingly sells agricultural land or any
387 interest therein in violation of this section commits a
388 misdemeanor of the second degree, punishable as provided in s.
389 775.082 or s. 775.083.

390 (9) The Department of Agriculture and Consumer Services
391 shall adopt rules to implement this section.

392 Section 6. Section 692.203, Florida Statutes, is created to
393 read:

394 692.203 Purchase of real property around military
395 installations and critical infrastructure facilities by foreign
396 principals prohibited.—

397 (1) A foreign principal may not directly or indirectly own
398 or acquire by purchase, grant, devise, or descent any interest
399 in real property within 20 miles of any military installation or
400 critical infrastructure facility in the state. This prohibition
401 does not apply to a foreign principal that acquires real
402 property for a diplomatic purpose that is recognized,
403 acknowledged, or allowed by the Federal Government.

404 (2) A foreign principal that directly or indirectly owns or
405 acquires any interest in real property within 20 miles of any
406 military installation or critical infrastructure facility in the

590-02576-23

2023264c1

407 state before July 1, 2023, may continue to own or hold such real
408 property, but may not purchase or otherwise acquire by grant,
409 devise, or descent any additional real property within 20 miles
410 of any military installation or critical infrastructure facility
411 in the state.

412 (3) (a) A foreign principal that owns or acquires real
413 property within 20 miles of any military installation or
414 critical infrastructure facility in the state before July 1,
415 2023, must register with the Department of Economic Opportunity
416 by January 1, 2024. The department must establish a form for
417 such registration which, at a minimum, must include all of the
418 following:

419 1. The name of the owner of the real property.

420 2. The address of the real property, the property
421 appraiser's parcel identification number, and the property's
422 legal description.

423 (b) A foreign principal that fails to timely file a
424 registration with the department is subject to a civil penalty
425 of \$1,000 for each day that the registration is late. The
426 department may place a lien against the unregistered real
427 property for the unpaid balance of any penalties assessed under
428 this paragraph.

429 (4) Notwithstanding subsection (1), a foreign principal may
430 acquire real property or any interest therein which is within 20
431 miles of any military installation or critical infrastructure
432 facility in the state on or after July 1, 2023, by devise or
433 descent, through the enforcement of security interests, or
434 through the collection of debts, provided that the foreign
435 principal sells, transfers, or otherwise divests itself of such

590-02576-23

2023264c1

436 real property within 2 years after acquiring the real property.

437 (5) At the time of purchase, a buyer of real property that
438 is located within 20 miles of any military installation or
439 critical infrastructure facility in the state must provide an
440 affidavit signed under penalty of perjury attesting to
441 compliance with this section. The failure to obtain or maintain
442 the affidavit does not affect the title or insurability of the
443 title for the real property. The Florida Real Estate Commission
444 shall adopt rules to implement this subsection, including rules
445 establishing the form for the affidavit required under this
446 subsection.

447 (6) (a) If any real property is owned or acquired in
448 violation of this section, the real property may be forfeited to
449 the state.

450 (b) The Department of Economic Opportunity may initiate a
451 civil action in the circuit court of the county in which the
452 property lies for the forfeiture of the real property or any
453 interest therein.

454 (c) Upon filing such action, the clerk must record a lis
455 pendens in accordance with s. 48.23. The court must advance the
456 cause on the calendar. The defendant may at any time petition to
457 modify or discharge the lis pendens based upon a finding that
458 there is no probable cause to believe that the real property, or
459 any portion thereof, is owned or held in violation of this
460 section.

461 (d) If the court finds that the real property, or any
462 portion thereof, is owned or held in violation of this section,
463 the court must enter a final judgment of forfeiture vesting
464 title to the real property in the state, subject only to the

590-02576-23

2023264c1

465 rights and interests of bona fide lienholders, and such final
466 judgment relates back to the date of the lis pendens.

467 (e) The department may sell the real property subject to a
468 final judgment of forfeiture. Any proceeds from the sale must
469 first be paid to any lienholders of the land, followed by
470 payment of any outstanding fines assessed pursuant to this
471 section, after which the department must be reimbursed for all
472 costs related to the forfeiture civil action and any costs
473 related to the sale of the land. Any remaining proceeds must be
474 paid to the property owner.

475 (f) At any time during the forfeiture proceeding the
476 department may seek an ex parte order of seizure of the real
477 property upon a showing that the defendant's control of the real
478 property constitutes a clear and present danger to the state.

479 (7) A foreign principal that purchases or acquires real
480 property or any interest therein in violation of this section
481 commits a misdemeanor of the second degree, punishable as
482 provided in s. 775.082 or s. 775.083.

483 (8) A person who knowingly sells real property or any
484 interest therein in violation of this section commits a
485 misdemeanor of the second degree, punishable as provided in s.
486 775.082 or s. 775.083.

487 (9) The Department of Economic Opportunity shall adopt
488 rules to implement this section.

489 Section 7. Section 692.204, Florida Statutes, is created to
490 read:

491 692.204 Purchase or acquisition of real property by the
492 People's Republic of China prohibited.—

493 (1) (a) The following persons or entities may not directly

590-02576-23

2023264c1

494 or indirectly own or acquire by purchase, grant, devise, or
495 descent any interest in real property in the state:

496 1. The People's Republic of China, the Chinese Communist
497 Party, or any official or member of the People's Republic of
498 China or the Chinese Communist Party.

499 2. Any other political party or member of a political party
500 or a subdivision of a political party in the People's Republic
501 of China.

502 3. A partnership, an association, a corporation, an
503 organization, or any other combination of persons organized
504 under the laws of or having its principal place of business in
505 the People's Republic of China, or a subsidiary of such entity.

506 4. Any person who is domiciled in the People's Republic of
507 China and who is not a citizen of the United States.

508 (b) Paragraph (a) does not apply to a person or entity of
509 the People's Republic of China that acquires real property for a
510 diplomatic purpose that is recognized, acknowledged, or allowed
511 by the Federal Government.

512 (2) A person or entity described in paragraph (1)(a) that
513 directly or indirectly owns or acquires any interest in real
514 property in the state before July 1, 2023, may continue to own
515 or hold such real property, but may not purchase or otherwise
516 acquire by grant, devise, or descent any additional real
517 property in the state.

518 (3)(a) A person or entity described in paragraph (1)(a)
519 that owns or acquires real property in the state before July 1,
520 2023, must register with the Department of Economic Opportunity
521 by January 1, 2024. The department must establish a form for
522 such registration which, at a minimum, must include all of the

590-02576-23

2023264c1

523 following:

524 1. The name of the owner of the real property.

525 2. The address of the real property, the property
526 appraiser's parcel identification number, and the property's
527 legal description.

528 (b) A person or entity that fails to timely file a
529 registration with the department is subject to a civil penalty
530 of \$1,000 for each day that the registration is late. The
531 department may place a lien against the unregistered real
532 property for the unpaid balance of any penalties assessed under
533 this paragraph.

534 (4) Notwithstanding subsection (1), a person or an entity
535 described in paragraph (1)(a) may acquire real property in the
536 state on or after July 1, 2023, by devise or descent, through
537 the enforcement of security interests, or through the collection
538 of debts, provided that the person or entity sells, transfers,
539 or otherwise divests itself of such real property within 2 years
540 after acquiring the real property unless the person or entity is
541 exempt under paragraph (1)(b).

542 (5) At the time of purchase, a buyer of real property in
543 the state must provide an affidavit signed under penalty of
544 perjury attesting to compliance with this section. The failure
545 to obtain or maintain the affidavit does not affect the title or
546 insurability of the title for the real property. The Florida
547 Real Estate Commission shall adopt rules to implement this
548 subsection, including rules establishing the form for the
549 affidavit required under this subsection.

550 (6) (a) If any real property is owned or acquired in
551 violation of this section, the real property may be forfeited to

590-02576-23

2023264c1

552 the state.

553 (b) The Department of Economic Opportunity may initiate a
554 civil action in the circuit court of the county in which the
555 property lies for the forfeiture of the real property or any
556 interest therein.

557 (c) Upon filing such action, the clerk must record a lis
558 pendens in accordance with s. 48.23. The court must advance the
559 cause on the calendar. The defendant may at any time petition to
560 modify or discharge the lis pendens based upon a finding that
561 there is no probable cause to believe that the real property, or
562 any portion thereof, is owned or held in violation of this
563 section.

564 (d) If the court finds that the real property, or any
565 portion thereof, is owned or held in violation of this section,
566 the court must enter a final judgment of forfeiture vesting
567 title to the real property in the state, subject only to the
568 rights and interests of bona fide lienholders, and such final
569 judgment relates back to the date of the lis pendens.

570 (e) The department may sell the real property subject to a
571 final judgment of forfeiture. Any proceeds from the sale must
572 first be paid to any lienholders of the land, followed by
573 payment of any outstanding fines assessed pursuant to this
574 section, after which the department must be reimbursed for all
575 costs related to the forfeiture civil action and any costs
576 related to the sale of the land. Any remaining proceeds must be
577 paid to the property owner.

578 (f) At any time during the forfeiture proceeding the
579 department may seek an ex parte order of seizure of the real
580 property upon a showing that the defendant's control of the real

590-02576-23

2023264c1

581 property constitutes a clear and present danger to the state.

582 (7) A violation of this section constitutes a felony of the
583 third degree, punishable as provided in s. 775.082, s. 775.083,
584 or s. 775.084.

585 (8) A person who sells real property or any interest
586 therein in violation of this section commits a misdemeanor of
587 the first degree, punishable as provided in s. 775.082 or s.
588 775.083.

589 (9) The Department of Economic Opportunity shall adopt
590 rules to implement this section.

591 Section 8. Present subsections (3), (4), and (5) of section
592 408.051, Florida Statutes, are redesignated as subsections (4),
593 (5), and (6), respectively, a new subsection (3) is added to
594 that section, and subsection (2) of that section is reordered
595 and amended, to read:

596 408.051 Florida Electronic Health Records Exchange Act.—

597 (2) DEFINITIONS.—As used in this section, the term:

598 (a) "Electronic health record" means a record of a person's
599 medical treatment which is created by a licensed health care
600 provider and stored in an interoperable and accessible digital
601 format.

602 (i)~~(b)~~ "Qualified electronic health record" means an
603 electronic record of health-related information concerning an
604 individual which includes patient demographic and clinical
605 health information, such as medical history and problem lists,
606 and which has the capacity to provide clinical decision support,
607 to support physician order entry, to capture and query
608 information relevant to health care quality, and to exchange
609 electronic health information with, and integrate such

590-02576-23

2023264c1

610 information from, other sources.

611 (b)~~(e)~~ "Certified electronic health record technology"
612 means a qualified electronic health record that is certified
613 pursuant to s. 3001(c)(5) of the Public Health Service Act as
614 meeting standards adopted under s. 3004 of such act which are
615 applicable to the type of record involved, such as an ambulatory
616 electronic health record for office-based physicians or an
617 inpatient hospital electronic health record for hospitals.

618 (c) "Cloud computing" has the same meaning as in s.
619 282.0041.

620 (d) "Health care provider" means any of the following:

621 1. A provider as defined in s. 408.803.

622 2. A health care practitioner as defined in s. 456.001.

623 3. A health care professional certified under part IV of
624 chapter 468.

625 4. A home health aide as defined in s. 400.462.

626 5. A service provider as defined in s. 394.455 and the
627 service provider's clinical and nonclinical staff who provide
628 inpatient or outpatient services.

629 6. A continuing care facility licensed under chapter 651.

630 7. A pharmacy permitted under chapter 465.

631 (e)~~(d)~~ "Health record" means any information, recorded in
632 any form or medium, which relates to the past, present, or
633 future health of an individual for the primary purpose of
634 providing health care and health-related services.

635 (f)~~(e)~~ "Identifiable health record" means any health record
636 that identifies the patient or with respect to which there is a
637 reasonable basis to believe the information can be used to
638 identify the patient.

590-02576-23

2023264c1

639 (g)~~(f)~~ "Patient" means an individual who has sought, is
640 seeking, is undergoing, or has undergone care or treatment in a
641 health care facility or by a health care provider.

642 (h)~~(g)~~ "Patient representative" means a parent of a minor
643 patient, a court-appointed guardian for the patient, a health
644 care surrogate, or a person holding a power of attorney or
645 notarized consent appropriately executed by the patient granting
646 permission to a health care facility or health care provider to
647 disclose the patient's health care information to that person.
648 In the case of a deceased patient, the term also means the
649 personal representative of the estate of the deceased patient;
650 the deceased patient's surviving spouse, surviving parent, or
651 surviving adult child; the parent or guardian of a surviving
652 minor child of the deceased patient; the attorney for the
653 patient's surviving spouse, parent, or adult child; or the
654 attorney for the parent or guardian of a surviving minor child.

655 (3) SECURITY AND STORAGE OF PERSONAL MEDICAL INFORMATION.-
656 In addition to the requirements in 45 C.F.R. part 160 and
657 subparts A and C of part 164, a health care provider that
658 utilizes certified electronic health record technology must
659 ensure that all patient information stored in an offsite
660 physical or virtual environment, including through a third-party
661 or subcontracted computing facility or an entity providing cloud
662 computing services, is physically maintained in the continental
663 United States. This subsection applies to all qualified
664 electronic health records that are stored using any technology
665 that can allow information to be electronically retrieved,
666 accessed, or transmitted.

667 Section 9. Subsections (14) and (15) are added to section

590-02576-23

2023264c1

668 408.810, Florida Statutes, to read:

669 408.810 Minimum licensure requirements.—In addition to the
670 licensure requirements specified in this part, authorizing
671 statutes, and applicable rules, each applicant and licensee must
672 comply with the requirements of this section in order to obtain
673 and maintain a license.

674 (14) The licensee must sign an affidavit at the time of his
675 or her initial application for a license and on any renewal
676 applications thereafter that attests under penalty of perjury
677 that he or she is in compliance with s. 408.051(3). The licensee
678 must remain in compliance with s. 408.051(3) or the licensee
679 shall be subject to disciplinary action by the agency.

680 (15) (a) The licensee must ensure that a person or entity
681 who possesses a controlling interest does not hold, either
682 directly or indirectly, regardless of ownership structure, an
683 interest in an entity that has a business relationship with a
684 foreign country of concern or that is subject to s. 287.135.

685 (b) For purposes of this subsection, the term:

686 1. "Business relationship" means engaging in commerce in
687 any form, including, but not limited to, acquiring, developing,
688 maintaining, owning, selling, possessing, leasing, or operating
689 equipment, facilities, personnel, products, services, personal
690 property, real property, military equipment, or any other
691 apparatus of business or commerce.

692 2. "Foreign country of concern" has the same meaning as in
693 s. 692.201.

694 3. "Interest" has the same meaning as in s. 286.101(1).

695 Section 10. Section 836.05, Florida Statutes, is amended to
696 read:

590-02576-23

2023264c1

697 836.05 Threats; extortion.—

698 (1) Whoever, either verbally or by a written or printed
699 communication, maliciously threatens to accuse another of any
700 crime or offense, or by such communication maliciously threatens
701 an injury to the person, property or reputation of another, or
702 maliciously threatens to expose another to disgrace, or to
703 expose any secret affecting another, or to impute any deformity
704 or lack of chastity to another, with intent thereby to extort
705 money or any pecuniary advantage whatsoever, or with intent to
706 compel the person so threatened, or any other person, to do any
707 act or refrain from doing any act against his or her will,
708 commits ~~shall be guilty of~~ a felony of the second degree,
709 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

710 (2) A person who commits a violation of subsection (1) and
711 at the time of the violation is acting as a foreign agent, as
712 defined in s. 812.081(1), with the intent of benefiting a
713 foreign country of concern, as defined in s. 692.201, commits a
714 felony of the first degree, punishable as provided in s.
715 775.082, s. 775.083, or s. 775.084.

716 Section 11. This act shall take effect July 1, 2023.

EXHIBIT 38

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Rules

BILL: CS/SB 264

INTRODUCER: Judiciary Committee and Senators Collins and Avila

SUBJECT: Interests of Foreign Countries

DATE: March 21, 2023 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Collazo</u>	<u>Cibula</u>	<u>JU</u>	Fav/CS
2.	<u>Collazo</u>	<u>Twogood</u>	<u>RC</u>	Pre-meeting

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 264 generally restricts both governmental entity contracting with certain foreign countries and entities of concern, as well as conveyances of agricultural lands and other interests in real property to foreign principals, the People's Republic of China, and other entities and persons that are affiliated with them. It also amends certain electronic health record statutes to ensure that such records are physically stored in the continental U.S., not overseas.

Specifically, with respect to governmental entity contracting, the bill creates statutes that prohibit governmental entities from:

- Contracting with entities of foreign countries of concern.
- Entering into contracts for an economic incentive with a foreign entity.

And with respect to conveyances of agricultural lands, the bill creates statutes that:

- Prohibit a foreign principal from owning or acquiring agricultural land in the state.
- Prohibit a foreign principal from owning or acquiring any interest in real property within 20 miles of any military installation or critical infrastructure in the state.
- Prohibit China, Chinese Communist Party or other Chinese political party officials or members, Chinese business organizations, and persons domiciled in China, but who are not U.S. citizens, from purchasing or acquiring any interest in real property in the state.

The bill also amends:

- The Florida Electronic Health Records Act, to require that the offsite storage of certain personal medical information be physically maintained in the continental U.S.

- The Health Care Licensing Procedures Act, to require licensees to sign affidavits attesting that all patient information stored by them is being physically maintained in the continental U.S.
- The statute criminalizing threats and extortion, to provide that a person who commits a violation of the statute, and at the time is acting as a foreign agent with the intent of benefitting a foreign country of concern, commits a first degree felony.

The bill takes effect July 1, 2023.

II. Present Situation:

Foreign Ownership of U.S. Agricultural Land

Foreign ownership and investment in U.S. agricultural land has generated significant interest in recent years.¹ Several high-profile incidents have prompted lawmakers to focus their attention on evaluating and responding to the potential impacts of foreign ownership and investment on national security, trade, and food security.²

A significant example occurred last year. Fufeng Group Limited, a Chinese food manufacturer, acquired 300 acres of land near the Grand Forks Air Force Base in North Dakota in order to build a wet corn milling and biofermentation plant.³ The Air Force base, which is only about 12 miles away from the site, is believed to be the home of some of the country's most sophisticated, "top secret" military drone technology.⁴ The location of the land close to the base made it particularly convenient for monitoring air traffic flows in and out of the base, among other security-related concerns.⁵

In January, Andrew P. Hunter, Assistant Secretary of the Air Force for Acquisition, Technology and Logistics,⁶ sent U.S. Senator John Hoeven a letter providing the Air Force's official position on the project. It confirmed that "Grand Forks Air Force Base is the center of military activities related to both air and space operations" and that the department's position is "unambiguous: the proposed project presents a significant threat to national security with both near- and long-term

¹ Aleks Phillips, *What the U.S. Is Doing to Curtail Chinese Land Ownership*, NEWSWEEK, Feb. 13, 2023, <https://www.newsweek.com/chinese-land-ownership-investment-us-military-bases-1780886>.

² See Letter from Congressmen Glenn "GT" Thompson & James Comer to Gene L. Dodaro, Comptroller General of the U.S. Government Accountability Office (Oct. 1, 2022), available at https://oversight.house.gov/wp-content/uploads/2022/10/20221001_GAO_foreignlandownership.pdf (requesting that the office conduct a review of foreign investment in U.S. farmland and its impact on national security, trade, and food security).

³ Congressional Research Service (CRS), *Foreign Ownership and Holdings of U.S. Agricultural Land* (version 4, updated Jan. 24, 2023), available at <https://crsreports.congress.gov/product/pdf/IF/IF11977>.

⁴ Ariel Zilber, *Chinese firm bought North Dakota farm near U.S. Air Force drone base: report*, NEW YORK POST, Jul. 1, 2022, <https://nypost.com/2022/07/01/chinese-firm-bought-farm-near-us-air-force-drone-base-report/>; see also Letter from Thompson & Comer, *supra* note 2 (describing the technology as "top secret"); see also Lauren Greenwood, U.S.-China Economic and Security Review Commission, *China's Interests in U.S. Agriculture: Augmenting Food Security through Investment Abroad* (May 26, 2022), 11, available at https://www.uscc.gov/sites/default/files/2022-05/Chinas_Interests_in_U.S._Agriculture.pdf (noting that the Grand Forks Air Force Base "houses some of the United States' top intelligence, surveillance, and reconnaissance capabilities").

⁵ Greenwood, *supra* note 4.

⁶ U.S. Air Force, *Andrew P. Hunter* (Sept. 2022), <https://www.af.mil/About-Us/Biographies/Display/Article/3154079/andrew-p-hunter/>.

risks of significant impacts to our operations in the area.”⁷ About a week after the department issued its letter, the Grand Forks City Council abandoned the project.⁸

In addition to national security concerns, federal officials are also concerned about potential food security impacts. A recent letter from 130 lawmakers to the U.S. Government Accountability Office expressed concern that “foreign investment in U.S. farmland could result in foreign control of available U.S. farmland, especially prime agricultural lands, and possibly lead to foreign control over food production and food prices.”⁹ In a separate interview, one of the lawmakers noted that “food security is national security,” explaining that Russia was able to exercise undue influence over Europe because it supplied Europe with a significant amount of natural gas, and that China might similarly try to control food supplies in South America, Southeast Asia, and even North America, in order to exert greater coercive power around the globe.¹⁰

Other recent incidents, while not involving the acquisition of U.S. farmland, suggest that China is working aggressively to undermine U.S. interests in other ways, both at home and abroad:

- Confucius Institutes, which offer Chinese language and cultural programs, first began appearing on U.S. university campuses in 2005. Some Members of Congress and others have alleged that they may play a role in China’s efforts to influence public opinion abroad, recruit “influence agents” on U.S. campuses, and engage in cyber espionage and intellectual property theft.¹¹
- In November of last year, FBI Director Christopher Wray testified at a U.S. Senate Homeland Security and Governmental Affairs Committee hearing about the existence of certain unauthorized ‘police stations’ established by China in major U.S. cities, noting that the U.S. has made a number of indictments involving the Chinese government harassing, stalking, surveilling, and blackmailing people in the U.S. who disagreed with Chinese leader Xi Jinping.¹²
- Last month, the U.S. shot down a Chinese spy balloon after it had traversed over a large swath of North America. The Biden Administration alleged it was part of a larger Chinese surveillance-balloon program that had violated the sovereignty of nations all over the world.¹³

⁷ Letter from Andrew P. Hunter, Office of the Assistant Secretary, to U.S. Senator John Hoeven (Jan. 27, 2023), *available at* <https://www.hoeven.senate.gov/imo/media/doc/USAIRFORCE-FUFENG-LETTER-HOEVEN.pdf>.

⁸ Meghan Arbegast, *Year-long Fufeng debate comes to an end after Grand Forks council members vote to stop project*, GRAND FORKS HERALD, Feb. 6, 2023, <https://www.grandforksherald.com/news/local/year-long-fufeng-debate-comes-to-an-end-after-grand-forks-council-members-vote-to-stop-project>.

⁹ Letter from Thompson & Comer, *supra* note 2.

¹⁰ NPR, *China is buying up more U.S. farmland. Some lawmakers consider that a security threat* (Mar. 1, 2023), <https://www.npr.org/2023/03/01/1160297853/china-farmland-purchases-house-hearing-competition>.

¹¹ CRS, *Confucius Institutes in the United States: Selected Issues* (version 12, updated May 20, 2022), <https://crsreports.congress.gov/product/pdf/IF/IF11180>.

¹² Michael Martina & Ted Hesson, *FBI director ‘very concerned’ by Chinese ‘police stations’ in U.S.*, REUTERS, Nov. 17, 2022, <https://www.reuters.com/world/us/fbi-director-very-concerned-by-chinese-police-stations-us-2022-11-17/>.

¹³ Isaac Chotiner, *What’s Behind the Chinese Spy Balloon*, THE NEW YORKER, Feb. 18, 2023, <https://www.newyorker.com/news/q-and-a/whats-behind-the-chinese-spy-balloon>.

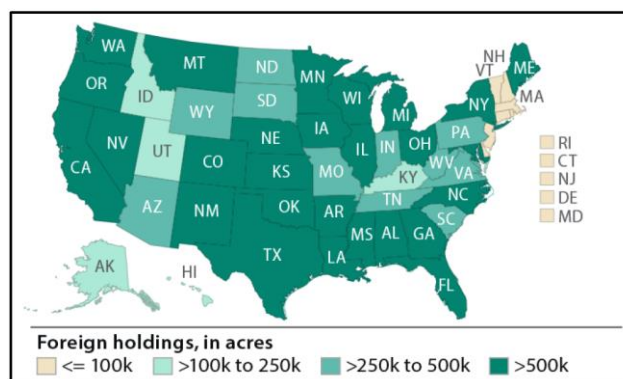
- This month, the U.S. (and Canada) issued orders banning the use of TikTok, a Chinese-owned video sharing app, on government-issued mobile devices amid growing privacy and cybersecurity concerns.¹⁴
- Also this month, U.S. defense and national security officials have raised the possibility that certain Chinese-made giant cargo cranes are being used for espionage.¹⁵

Ownership Statistics

Foreign persons and entities held an interest in 40.8 million acres of U.S. agricultural land in 2021, accounting for 3.1% of total privately owned land.¹⁶ These data cover agricultural land and nonagricultural land (e.g. associated homesteads, roads, etc.). In 2021, forestland accounted for 47% of all foreign-owned land, cropland accounted for 29%, and pasture and other agricultural land for 22%. Nonagricultural land (such as homesteads and roads) accounted for 2%. Foreign land holdings have increased by an average of 2.2 million acres per year since 2015.¹⁷

With respect to China specifically, not including the Fufeng Group Limited's purchase in 2022, the U.S. Department of Agriculture reports that China accounted for 383,935 acres, or 0.9% of total foreign-owned U.S. agricultural land as of year-end 2021.¹⁸ The department also reports that 85 Chinese investors own 275 parcels of agricultural land totaling 194,772 acres worth \$1,868,577.¹⁹

Country	U.S. Entities % of U.S.			Private Land
	Total	Foreign Entities	w/ Foreign Shares	
	(million acres)			(percent)
Canada	12.8	9.7	3.2	1.0%
Netherlands	4.9	4.4	0.5	0.4%
Italy	2.7	2.6	0.1	0.2%
United Kingdom	2.5	1.5	1.0	0.2%
Germany	2.3	1.4	0.9	0.2%
Subtotal	25.2	19.6	5.7	2.0%
Other Countries	12.4	7.1	5.3	1.0%
Not Listed	3.2	2.4	0.8	0.3%
Total	40.8	29.1	11.7	3.1%



Foreign Holdings of Agricultural Land, 2021²⁰

As of year-end 2021, the states with the most foreign-owned agricultural acreage were Texas (5.3 million acres), Maine (3.6 million acres), Colorado (1.9 million acres), Alabama (1.8 million

¹⁴ CBS News, *TikTok banned on U.S. government devices, and the U.S. is not alone. Here's where the app is restricted* (Mar. 1, 2023), <https://www.cbsnews.com/news/tiktok-banned-us-government-where-else-around-the-world/>.

¹⁵ Kent Masing, *U.S. Concerned China-Made Cranes In American Ports Used To Spy On Military: Report*, INTERNATIONAL BUSINESS TIMES, Mar. 6, 2023, <https://www.ibtimes.com/us-concerned-china-made-cranes-american-ports-used-spy-military-report-3673964>.

¹⁶ CRS, *supra* note 3, at 2.

¹⁷ *Id.*

¹⁸ *Id.*; Farm Service Agency, U.S. Department of Agriculture, *Foreign Holdings of U.S. Agricultural Land* (through Dec. 31, 2021), 4, available at <https://www.fsa.usda.gov/programs-and-services/economic-and-policy-analysis/afida/annual-reports/index>.

¹⁹ Farm Service Agency, *supra* note 18, at 229.

²⁰ *Id.* at Table 1 and Figure 2 (internal citations omitted).

acres), and Oklahoma (1.7 million acres). Other states with more than 1 million foreign-owned acres were Arkansas, California, Florida, Georgia, Kansas, Louisiana, Michigan, New Mexico, Oregon, and Washington.²¹

According to the U.S. Department of Agriculture, of the 21,849,568 acres of privately held agricultural land in Florida, 1,382,284 acres (6.3%) are held by foreigners, which is among the highest proportions in the U.S.²² It is unclear how much of that land is owned by China, although the department does report that it owns 96,975 acres in the “South Region,” which includes Florida.²³

Existing Federal and State Laws

Federal law currently imposes no restrictions on the amount of private U.S. agricultural land that can be foreign-owned.²⁴ However, the Agricultural Foreign Investment Disclosure Act of 1978 established a nationwide system for collecting information pertaining to the foreign ownership of U.S. agricultural land,²⁵ including land used for agricultural, forestry, or timber production purposes.²⁶ For purposes of the act, foreign persons include any individual, corporation, company, association, partnership, society, joint stock company, trust, estate, or any other legal entity (including any foreign government) under the laws of a foreign government or having a principal place of business outside of the U.S.²⁷

The act’s regulations require foreign persons who buy, sell, or gain interest in U.S. agricultural land to disclose their holdings and transactions to the U.S. Department of Agriculture directly or to the Farm Service Agency county office where the land is located.²⁸ Failure to disclose this information may result in penalties and fines.²⁹ After the original disclosure, each subsequent change of ownership or use must be reported.³⁰ It should be noted that some have expressed concern that U.S. Department of Agriculture figures developed under the act may actually underestimate foreign ownership due to unreliable data collection and the definitions used by the department.³¹

The Committee on Foreign Investment in the U.S. is an interagency committee authorized to review certain transactions involving foreign investment in the U.S. and real estate transactions by foreign persons, in order to determine the effect of such transactions on national security.³² Notwithstanding recent expansions to the committee’s jurisdictional authority and review

²¹ *Id.*

²² See Farm Service Agency, *supra* note 18, at 4, 17.

²³ *Id.* at 238.

²⁴ CRS, *supra* note 3, at 1.

²⁵ Pub. L. No. 95-460, 92 Stat. 1263 (1978); 7 U.S.C. ss. 3501-3508.

²⁶ 7 U.S.C. s. 3508(1); 7 C.F.R. s. 781.2(b).

²⁷ 7 U.S.C. s. 3508(3); 7 C.F.R. s. 781.2(g).

²⁸ 7 U.S.C. s. 3501(a); 7 C.F.R. s. 781.3(a).

²⁹ 7 U.S.C. s. 3502; 7 C.F.R. ss. 781.4., 781.5.

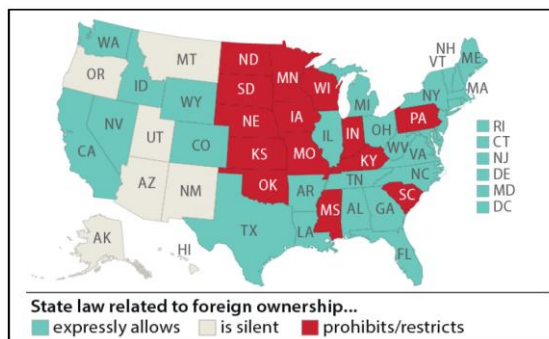
³⁰ 7 U.S.C. s. 3501(a); 7 C.F.R. s. 781.3(b).

³¹ Texas Farm Bureau, *Lawmakers ask for review of foreign ownership of U.S. farmland*, <https://texasfarmbureau.org/lawmakers-ask-for-review-of-foreign-ownership-of-u-s-farmland/> (last visited Mar. 7, 2023).

³² U.S. Department of the Treasury, *The Committee on Foreign Investment in the United States*, <https://home.treasury.gov/policy-issues/international/the-committee-on-foreign-investment-in-the-united-states-cfius> (last visited Mar. 6, 2023).

considerations,³³ there appear to be significant gaps. For example, the committee recently determined that Fufeng Group Limited's purchase near Grand Forks Air Force Base was outside of its jurisdiction and that it would therefore take no further action.³⁴

Some U.S. states and localities have instituted restrictions on the foreign ownership of farmland.³⁵ Although no state has instituted an absolute prohibition on all foreign ownership, some states have limited or proposed to prohibit certain foreign persons and entities from acquiring or owning an interest in agricultural land within their states, and several states have separate disclosure requirements within their states.³⁶



*Overview of Selected State Laws Related to Foreign Ownership of U.S. Agricultural Land*³⁷

There is no single uniform approach under state laws to addressing foreign ownership.³⁸ Some general categories include:

- Restrictions on the amount of land that can be owned or the duration of ownership.
- Distinctions involving private versus public land or how agricultural land is defined.
- Distinctions involving resident and nonresident aliens.
- Inheritance considerations involving land ownership.
- Restrictions on ownership by foreign corporations (e.g. corporate farming laws or requirements corporations are subject to in order to obtain license or register).
- Differences related to enforcement and penalties.³⁹

Currently, in Florida, foreign persons and entities have the same rights in real property as do citizens of the U.S. Foreign corporations, upon qualifying to do business in the state, have the same rights in real property as do domestic corporations. Foreign ownership of a domestic corporation has no effect on that corporation's rights in real property. No disclosure is required by any person or corporation when acquiring, holding or transferring rights in real property.⁴⁰

³³ *See id.* (discussing Executive Order 14083, the Foreign Investment Risk Review Modernization Act of 2018, and associated regulations).

³⁴ T.J. Nelson, KVVR Local News, *Fufeng USA Looking to Move Ahead with Grand Forks Project After Federal Agency Review Suddenly Ends* (Dec. 13, 2022), <https://www.kvrr.com/2022/12/13/fufeng-usa-looking-to-move-ahead-with-grand-forks-project-after-federal-agency-review-suddenly-ends/>.

³⁵ CRS *supra* note 3, at 1.

³⁶ *Id.*

³⁷ *Id.* at Figure 1 (internal citation omitted).

³⁸ *Id.* at 1.

³⁹ *Id.*

⁴⁰ *See* 2 INTERNATIONAL BUSINESS TRANSACTIONS s. 29:26 (3d ed., updated Nov. 2022).

Florida Electronic Health Records Act

The Florida Electronic Health Records Act⁴¹ authorizes health care providers to release or access an identifiable health record of a patient without the patient's consent for use in the treatment of that patient for an emergency medical condition, when consent cannot be obtained from the patient or the patient representative due to the patient's condition or the nature of the situation requiring immediate medical attention.⁴² It provides immunity from civil liability whenever a health care provider accesses or releases the identifiable health record in good faith under the statute. It also directs the Agency for Health Care Administration to develop a form to document patient authorization for the use or release of an identifiable health record.⁴³ The act includes definitions for the following terms: "electronic health record," "qualified electronic health record," "certified electronic health record technology," "health record," "identifiable health record," "patient," and "patient representative."⁴⁴

Health Care Licensing Procedures Act

The Health Care Licensing Procedures Act⁴⁵ provides a streamlined and consistent set of basic licensing requirements for health care providers.⁴⁶ The act is intended to minimize confusion, standardize terminology, and include issues that are not otherwise addressed in state law pertaining to specific providers.⁴⁷ Among other things, it provides certain minimum licensure requirements, with which applicants and licensees must comply in order to obtain and maintain a license.⁴⁸

Statute Criminalizing Threats and Extortion

State law criminalizes threats and extortion. One commits the crime if he or she, either verbally or by a written or printed communication:

maliciously threatens to accuse another of any crime or offense, or by such communication maliciously threatens an injury to the person, property or reputation of another, or maliciously threatens to expose another to disgrace, or to expose any secret affecting another, or to impute any deformity or lack of chastity to another, with intent thereby to extort money or any pecuniary advantage whatsoever, or with intent to compel the person so threatened, or any other person, to do any act or refrain from doing any act against his or her will[.]⁴⁹

⁴¹ Section 408.051, F.S.

⁴² Section 408.051(3), F.S.

⁴³ Section 408.051(4), F.S.

⁴⁴ Section 408.051(2), F.S.

⁴⁵ Chapter 408, Part II, F.S.; *see also* s. 408.801(1), F.S. (providing a short title).

⁴⁶ Section 408.801(2), F.S.

⁴⁷ *Id.*

⁴⁸ *See generally* s. 408.810, F.S.

⁴⁹ Section 836.05, F.S.

The crime is a second degree felony, punishable by a term of imprisonment not exceeding 15 years⁵⁰ and a \$10,000 fine,⁵¹ or possibly more under the habitual offender statute.⁵²

III. Effect of Proposed Changes:

CS/SB 264 generally restricts both governmental entity contracting with certain foreign countries and entities of concern, as well as conveyances of agricultural lands and other interests in real property to foreign principals, the People's Republic of China, and other entities and persons that are affiliated with them. It also amends certain electronic health record statutes to ensure that such records are physically stored in the continental U.S., not overseas.

Prohibition on Governmental Entity Contracting with Entities of Foreign Countries of Concern

Section 1 of the bill creates s. 287.138, F.S., within chapter 287, part I, F.S., which governs commodities, insurance, and contractual services, to prohibit contracting between governmental entities and entities of foreign countries of concern.

The bill defines the following terms for purposes of the new statute:

- “Controlling interest” means possession of the power to direct or cause the direction of the management or policies of a company, whether through ownership of securities, by contract, or otherwise. A person or entity that directly or indirectly has the right to vote 25 percent or more of the voting interests of the company or is entitled to 25 percent or more of its profits is presumed to possess a controlling interest in that company.
- “Department” means the Department of Management Services.
- “Foreign country of concern” means:
 - The People's Republic of China.
 - The Russian Federation.
 - The Islamic Republic of Iran.
 - The Democratic People's Republic of Korea.
 - The Republic of Cuba.
 - The Venezuelan regime of Nicolás Maduro.
 - The Syrian Arab Republic.
 - Any agency of, or any other entity under the significant control of, one of the above-listed foreign countries of concern.
- “Governmental entity” means any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, but not limited to, the Commission on Ethics, the Public Service Commission, the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.

The bill provides that governmental entities may not knowingly enter into a contract with an entity which would give access to an individual's personal identifying information if:

⁵⁰ Section 775.082(3)(d), F.S.

⁵¹ Section 775.083(1)(b), F.S.

⁵² See generally s. 775.084, F.S. (providing heightened punishments for habitual offenders).

- The entity is owned by the government of a foreign country of concern;
- The government of a foreign country of concern has a controlling interest in the entity; or
- The entity is organized under the laws of or has its principal place of business in a foreign country of concern.

Additionally, the bill provides that:

- Beginning January 1, 2024, a governmental entity may not accept a bid on, a proposal for, or a reply to, or enter into, a contract with an entity which would grant the entity access to an individual's personal identifying information unless the entity provides the governmental entity with an affidavit signed by an officer or representative of the entity under penalty of perjury attesting that the entity does not meet any of the criteria in the new statute.
- Beginning July 1, 2025:
 - A governmental entity may not extend or renew a contract with one of the entities listed above if the contract would give such entity access to an individual's personal identifying information.
 - When an entity extends or renews a contract with a governmental entity which would grant the entity access to an individual's personal identifying information, the entity must provide the governmental entity with an affidavit signed by an officer or representative of the entity under penalty of perjury attesting that the entity does not meet any of the criteria in the new statute.

The bill authorizes the Attorney General to bring a civil action in any court of competent jurisdiction against an entity that violates the statute. Violations of the statute may result in:

- A civil penalty equal to twice the amount of the contract for which the entity submitted a bid or proposal for, replied to, or entered into.
- Ineligibility to enter into, renew, or extend any contract, including any grant agreements, with any governmental entity for up to 5 years.
- Ineligibility to receive or renew any license, certification, or credential issued by a governmental entity for up to 5 years.
- Placement on the suspended vendor list.⁵³

Any penalties collected from entities that violate the statute must be deposited into the General Revenue Fund.

The bill also authorizes the department to adopt rules to implement the statute, including rules establishing the form for the affidavit required under the statute.

Prohibition on Contracting for an Economic Incentive with a Foreign Entity

Section 2 of the bill creates s. 288.007, F.S., to prohibit governmental entities from entering into contracts for an economic incentive with a foreign entity.

The bill defines the following terms for purposes of the new statute:

- "Controlled by" means having possession of the power to direct or cause the direction of the management or policies of a company, whether through ownership of securities, by contract,

⁵³ See s. 287.1351, F.S. (providing for the suspension of certain vendors).

or otherwise. A person or entity that directly or indirectly has the right to vote 25 percent or more of the voting interests of the company, or that is entitled to 25 percent or more of its profits, is presumed to control the foreign entity.

- “Economic incentive” means all programs administered by, or for which an applicant for the program must seek certification, approval, or other action by, the department under chapter 288, F.S. (governing commercial development and capital improvements), chapter 212, F.S. (governing tax on sales, use, and other transactions), or chapter 220, F.S. (the income tax code), and all local economic development programs, grants, or financial benefits administered by a political subdivision or an agent thereof.
- “Foreign country of concern” has the same meaning as defined later in the bill.⁵⁴
- “Foreign entity” means an entity that is:
 - Owned or controlled by the government of a foreign country of concern; or
 - A partnership, association, corporation, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country of concern, or a subsidiary of such entity.
- “Government entity” means a state agency, a political subdivision, or any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.

The bill provides that a government entity may not knowingly enter into an agreement or contract for an economic incentive with a foreign entity. Before providing any economic incentive, a government entity must require the recipient or applicant to provide the government entity with an affidavit signed under penalty of perjury attesting that the recipient or applicant is not a foreign entity.

The bill also requires the department to adopt rules to administer the new statute, including rules establishing the form for the required affidavit.

Prohibition of Conveyances to Foreign Entities

Section 3 of the bill directs the Division of Law Revision to create part III of chapter 692, F.S., consisting of ss. 692.201, 692.202, 692.203, and 692.204, F.S., to be entitled “Conveyances to Foreign Entities.”

Definitions

Section 4 of the bill creates s. 692.201, F.S., which defines the following terms for purposes of part III of chapter 692, F.S.:

- “Agricultural land” means land classified as agricultural under state law.⁵⁵
- “Critical infrastructure facility” means any of the following, if it employs measures such as fences, barriers, or guard posts that are designed to exclude unauthorized persons:
 - A chemical manufacturing facility.
 - A refinery.

⁵⁴ See s. 4 of the bill (creating s. 692.201(3), F.S., which defines “foreign country of concern”).

⁵⁵ See s. 193.461, F.S. (providing the agricultural land classification process).

- An electrical power plant, including a substation, switching station, electrical control center, or electric transmission or distribution facility.⁵⁶
- A water intake structure, water treatment facility, wastewater treatment plant, or pump station.
- A natural gas transmission compressor station.
- A liquid natural gas terminal or storage facility.
- A telecommunications central switching office.
- An inland port or other facility or group of facilities serving as a point of intermodal transfer of freight in a specific area physically separated from a seaport.
- A gas processing plant, including a plant used in the processing, treatment, or fractionation of natural gas.
- A seaport.⁵⁷
- A spaceport territory.⁵⁸
- “Foreign country of concern” means:
 - The People’s Republic of China.
 - The Russian Federation.
 - The Islamic Republic of Iran.
 - The Democratic People’s Republic of Korea.
 - The Republic of Cuba.
 - The Venezuelan regime of Nicolás Maduro.
 - The Syrian Arab Republic.
 - Any agency of, or any other entity under the significant control of, one of the above-listed foreign countries of concern.
- “Foreign principal” means:
 - The government or any official of the government of a foreign country of concern;
 - A political party or member of a political party or any subdivision of a political party in a foreign country of concern;
 - A partnership, association, corporation, organization, or other combination of persons organized under the laws of, or having its principal place of business in, a foreign country of concern, or a subsidiary of such entity; or
 - Any person who is domiciled in a foreign country of concern and is not a citizen of the U.S.
- “Military installation” means a base, camp, post, station, yard, center, or other activity under the jurisdiction of the secretary of a military department or, in the case of an activity in a foreign country, under the operational control of the secretary of a military department or the

⁵⁶ See s. 403.031(20), F.S. (defining “electrical power plant” as meaning any electrical generating facility that uses any process or fuel and that is owned or operated by an electric utility, as defined in s. 403.503(14), and includes any associated facility that directly supports the operation of the electrical power plant).

⁵⁷ See s. 311.09(1), F.S. (listing the ports of Jacksonville, Port Canaveral, Port Citrus, Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee, St. Petersburg, Putnam County, Tampa, Port St. Joe, Panama City, Pensacola, Key West, and Fernandina).

⁵⁸ See s. 331.303(18), F.S. (defining “spaceport territory” as the geographical area designated in s. 331.304, F.S., and as amended or changed in accordance with s. 331.329, F.S.; it includes, but is not limited to, the real property located in Brevard County that is included within the 1998 boundaries of Patrick Space Force Base, formerly Patrick Air Force Base; Cape Canaveral Space Force Station, formerly Cape Canaveral Air Force Station; and the John F. Kennedy Space Center).

Secretary of Defense, without regard to the duration of operational control.⁵⁹ For purposes of the bill, military installations include armories.⁶⁰

- “Real property” means land, buildings, fixtures, and all other improvements to land.

Purchase of Agricultural Land by Foreign Principals

Section 5 of the bill creates s. 692.202, F.S., to prohibit the purchase of agricultural land by foreign principals.

The bill provides that a foreign principal may not directly or indirectly own or acquire by purchase, grant, devise, or descent agricultural land or any interest in such land in the state. This prohibition does not apply to a foreign principal that acquires agricultural land for a diplomatic purpose that is recognized, acknowledged, or allowed by the Federal Government.

A foreign principal that directly or indirectly owns or acquires agricultural land or any interest in such land in the state before July 1, 2023:

- May continue to own or hold such land or interest, but may not purchase or otherwise acquire by grant, devise, or descent any additional agricultural land or interest in such land in the state.
- Must register with the Department of Agriculture and Consumer Services by January 1, 2024. The department must establish a form for such registration, which, at minimum, must include all of the following:
 - The name of the owner of the agricultural land or the owner of the interest in such land.
 - The address of the agricultural land, the property appraiser’s parcel identification number, and the property’s legal description.
 - The number of acres of the agricultural land.

A foreign principal that fails to timely file a registration with the department is subject to a civil penalty of \$1,000 for each day that the registration is late. The department may place a lien against the unregistered agricultural land for the unpaid balance of any penalties assessed under the new statute.

The bill clarifies that notwithstanding the general prohibition in the bill, a foreign principal can still acquire agricultural land on or after July 1, 2023, by devise or descent, through the enforcement of security interests, or through the collection of debts, but must sell, transfer, or otherwise divest itself of the agricultural land within 2 years after acquiring the agricultural land.

At the time of purchase, a buyer of agricultural land, or an interest in such land, must provide an affidavit signed under penalty of perjury attesting to compliance with this section. The failure to obtain or maintain the affidavit does not affect the title or insurability of the title for the agricultural land. The Florida Real Estate Commission must adopt rules to implement this provision, including rules establishing the form for the affidavit required under this provision.

⁵⁹ 10 U.S.C. s. 2801(c)(4).

⁶⁰ See s. 250.01(5), F.S. (defining an “armory” as a building or group of buildings used primarily for housing and training troops or for storing military property, supplies, or records).

The bill provides that an agricultural land, or any interest in such land, that is owned or acquired in violation of the new statute may be forfeited to the state. In connection with such forfeitures, the bill provides:

- The Department of Agriculture and Consumer Services may initiate a civil action in the circuit court of the county in which the property lies.
- Upon filing such action, the clerk must record a lis pendens in accordance with state law.⁶¹ The court must advance the cause on the calendar. The defendant may at any time petition to modify or discharge the lis pendens based upon a finding that there is no probable cause to believe that the agricultural land, or any portion thereof, is owned or held in violation of the new statute.
- If the court finds that the agricultural land, or any portion thereof, is owned or held in violation of the new statute, the court must enter a final judgment of forfeiture vesting title to the agricultural land in the state, subject only to the rights and interests of bona fide lienholders, and such final judgment relates back to the date of the lis pendens.
- The department may sell the agricultural land subject to a final judgment of forfeiture. Any proceeds from the sale must first be paid to any lienholders of the land, followed by payment of any outstanding fines assessed pursuant to the new statute, after which the department must be reimbursed for all costs related to the forfeiture civil action and any costs related to the sale of the land. Any remaining proceeds must be paid to the property owner.
- At any time during the forfeiture proceeding the department may seek an ex parte order of seizure of the agricultural land upon a showing that the defendant's control of the agricultural land constitutes a clear and present danger to the state.

The bill provides the following criminal penalties:

- A foreign principal that purchases or acquires agricultural land or any interest therein in violation of the new statute commits a misdemeanor of the second degree, punishable by a term of imprisonment not exceeding 60 days⁶² and a \$500 fine.⁶³
- A person who knowingly sells agricultural land or any interest therein in violation of the new statute commits a misdemeanor of the second degree, punishable by a term of imprisonment not exceeding 60 days⁶⁴ and a \$500 fine.⁶⁵

The bill also requires the Department of Agriculture and Consumer Services to adopt rules to implement the new statute.

Purchase of Real Property around Military Installation and Critical Infrastructure Facilities by Foreign Principals

Section 6 of the bill creates s. 692.203, F.S., to prohibit the purchase of real property around military installations and critical infrastructure facilities by foreign principals.

The bill provides that a foreign principal may not directly or indirectly own or acquire by purchase, grant, devise, or descent any interest in real property within 20 miles of any military

⁶¹ See s. 48.23, F.S. (addressing the recordation of notices of lis pendens in particular circumstances).

⁶² Section 775.082(4)(b), F.S.

⁶³ Section 775.083(1)(e), F.S.

⁶⁴ Section 775.082(4)(b), F.S.

⁶⁵ Section 775.083(1)(e), F.S.

installation or critical infrastructure facility in the state. This prohibition does not apply to a foreign principal that acquires real property for a diplomatic purpose that is recognized, acknowledged, or allowed by the Federal Government.

A foreign principal that directly or indirectly owns or acquires any interest in real property within 20 miles of any military installation or critical infrastructure facility in the state before July 1, 2023, may continue to own or hold such real property, but may not purchase or otherwise acquire by grant, devise, or descent any additional real property within 20 miles of any military installation or critical infrastructure facility in the state.

The bill provides that a foreign principal that owns or acquires real property within 20 miles of any military installation or critical infrastructure facility in the state before July 1, 2023, must register with the Department of Economic Opportunity by January 1, 2024. The department must establish a form for such registration which, at a minimum, must include all of the following:

- The name of the owner of the real property.
- The address of the real property, the property appraiser's parcel identification number, and the property's legal description.

A foreign principal that fails to timely file a registration with the department is subject to a civil penalty of \$1,000 for each day that the registration is late. The department may place a lien against the unregistered real property for the unpaid balance of any penalties assessed under this provision.

The bill clarifies that notwithstanding the general prohibition in the bill, a foreign principal can still acquire real property, or any interest therein, which is within 20 miles of any military installation or critical infrastructure facility in the state on or after July 1, 2023, by devise or descent, through the enforcement of security interests, or through the collection of debts, but must sell, transfer, or otherwise divest itself of such real property within 2 years after acquiring the real property.

At the time of purchase, a buyer of real property that is located within 20 miles of any military installation or critical infrastructure facility in the state must provide an affidavit signed under penalty of perjury attesting to compliance with the new statute. The failure to obtain or maintain the affidavit does not affect the title or insurability of the title for the real property. The Florida Real Estate Commission must adopt rules to implement this provision, including rules establishing the form for the affidavit required under this provision.

The bill provides that if any real property is owned or acquired in violation of the new statute, it may be forfeited to the state. In connection with such forfeitures, the bill provides:

- The Department of Economic Opportunity may initiate a civil action in the circuit court of the county in which the property lies for the forfeiture of the real property or any interest therein.
- Upon filing such action, the clerk must record a lis pendens in accordance with state law.⁶⁶ The court must advance the cause on the calendar. The defendant may at any time petition to modify or discharge the lis pendens based upon a finding that there is no probable cause to

⁶⁶ See s. 48.23, F.S. (addressing the recordation of notices of lis pendens in particular circumstances).

believe that the real property, or any portion thereof, is owned or held in violation of the new statute.

- If the court finds that the real property, or any portion thereof, is owned or held in violation of the new statute, the court must enter a final judgment of forfeiture vesting title to the real property in the state, subject only to the rights and interests of bona fide lienholders, and such final judgment relates back to the date of the lis pendens.
- The department may sell the real property subject to a final judgment of forfeiture. Any proceeds from the sale must first be paid to any lienholders of the land, followed by payment of any outstanding fines assessed pursuant to the new statute, after which the department must be reimbursed for all costs related to the forfeiture civil action and any costs related to the sale of the land. Any remaining proceeds must be paid to the property owner.
- At any time during the forfeiture proceeding the department may seek an ex parte order of seizure of the real property upon a showing that the defendant's control of the real property constitutes a clear and present danger to the state.

The bill provides the following criminal penalties:

- A foreign principal that purchases or acquires real property or any interest therein in violation of the new statute commits a misdemeanor of the second degree, punishable by a term of imprisonment not exceeding 60 days⁶⁷ and a \$500 fine.⁶⁸
- A person who knowingly sells real property or any interest therein in violation of this section commits a misdemeanor of the second degree, punishable by a term of imprisonment not exceeding 60 days⁶⁹ and a \$500 fine.⁷⁰

The bill also requires the Department of Economic Opportunity to adopt rules to implement the new statute.

Purchase or Acquisition of Real Property by the People's Republic of China

Section 7 of the bill creates s. 692.204, F.S., to prohibit the purchase or acquisition of real property by the People's Republic of China.

The bill prohibits the following persons or entities from directly or indirectly owning or acquiring by purchase, grant, devise, or descent any interest in real property in the state:

- The People's Republic of China, the Chinese Communist Party, or any official or member of the People's Republic of China or the Chinese Communist Party.
- Any other political party or member of a political party or a subdivision of a political party in the People's Republic of China.
- A partnership, an association, a corporation, an organization, or any other combination of persons organized under the laws of or having its principal place of business in the People's Republic of China, or a subsidiary of such entity.
- Any person who is domiciled in the People's Republic of China and who is not a citizen of the U.S.

⁶⁷ Section 775.082(4)(b), F.S.

⁶⁸ Section 775.083(1)(e), F.S.

⁶⁹ Section 775.082(4)(b), F.S.

⁷⁰ Section 775.083(1)(e), F.S.

This prohibition does not apply to a person or entity of the People's Republic of China that acquires real property for a diplomatic purpose that is recognized, acknowledged, or allowed by the Federal Government.

Any person or entity described above that directly or indirectly owns or acquires any interest in real property in the state before July 1, 2023, may continue to own or hold such real property, but may not purchase or otherwise acquire by grant, devise, or descent any additional real property in the state.

The bill provides that any person or entity described above that owns or acquires real property in the state before July 1, 2023, must register with the Department of Economic Opportunity by January 1, 2024. The department must establish a form for such registration which, at a minimum, must include all of the following:

- The name of the owner of the real property.
- The address of the real property, the property appraiser's parcel identification number, and the property's legal description.

A person or entity that fails to timely file a registration with the department is subject to a civil penalty of \$1,000 for each day that the registration is late. The department may place a lien against the unregistered real property for the unpaid balance of any penalties assessed under this paragraph.

The bill clarifies that notwithstanding the general prohibition in the bill, a Chinese person or entity can still acquire real property in the state on or after July 1, 2023, by devise or descent, through the enforcement of security interests, or through the collection of debts, but must sell, transfer, or otherwise divest itself of such real property within 2 years after acquiring the real property unless the person or entity acquired the real property for a diplomatic purpose that is recognized, acknowledged, or allowed by the Federal Government.

At the time of purchase, a buyer of real property in the state must provide an affidavit signed under penalty of perjury attesting to compliance with the new statute. The failure to obtain or maintain the affidavit does not affect the title or insurability of the title for the real property. The Florida Real Estate Commission must adopt rules to implement this subsection, including rules establishing the form for the affidavit required under this subsection.

The bill provides that if any real property is owned or acquired in violation of the new statute, it may be forfeited to the state. In connection with such forfeitures, the bill provides:

- The Department of Economic Opportunity may initiate a civil action in the circuit court of the county in which the property lies for the forfeiture of the real property or any interest therein.
- Upon filing such action, the clerk must record a lis pendens in accordance with state law.⁷¹ The court must advance the cause on the calendar. The defendant may at any time petition to modify or discharge the lis pendens based upon a finding that there is no probable cause to believe that the real property, or any portion thereof, is owned or held in violation of the new statute.

⁷¹ See s. 48.23, F.S. (addressing the recordation of notices of lis pendens in particular circumstances).

- If the court finds that the real property, or any portion thereof, is owned or held in violation of the new statute, the court must enter a final judgment of forfeiture vesting title to the real property in the state, subject only to the rights and interests of bona fide lienholders, and such final judgment relates back to the date of the lis pendens.
- The department may sell the real property subject to a final judgment of forfeiture. Any proceeds from the sale must first be paid to any lienholders of the land, followed by payment of any outstanding fines assessed pursuant to the new statute, after which the department must be reimbursed for all costs related to the forfeiture civil action and any costs related to the sale of the land. Any remaining proceeds must be paid to the property owner.
- At any time during the forfeiture proceeding the department may seek an ex parte order of seizure of the real property upon a showing that the defendant's control of the real property constitutes a clear and present danger to the state.

The bill provides the following criminal penalties:

- A violation of this section constitutes a felony of the third degree, punishable by a term of imprisonment not exceeding 5 years⁷² and a \$5,000 fine,⁷³ or possibly more under the habitual offender statute.⁷⁴
- A person who sells real property or any interest therein in violation of the new statute commits a misdemeanor of the first degree, punishable by a term of imprisonment not exceeding 1 year⁷⁵ and a \$1,000 fine.⁷⁶

The bill also requires the Department of Economic Opportunity to adopt rules to implement the new statute.

Amendments to the Florida Electronic Health Records Act

Section 8 of the bill amends s. 408.051, F.S., the Florida Electronic Health Records Exchange Act (Act), by adding two definitions and by requiring that the offsite storage of certain personal medical information be physically maintained in the continental U.S.

First, for purposes of the Act, the bill incorporates the definition for “cloud computing” found in chapter 282, part I, F.S., which governs information technology management. That definition⁷⁷ provides that cloud computing has the same meaning as provided in Special Publication 800-145 issued by the National Institute of Standards and Technology, which reads as follows:

Cloud computing is a model for enabling ubiquitous, convenient, on-demand network access to a shared pool of configurable computing resources (e.g., networks, servers, storage, applications, and services) that can be rapidly provisioned and released with minimal management effort or

⁷² Section 775.082(3)(e), F.S.

⁷³ Section 775.083(1)(c), F.S.

⁷⁴ See generally s. 775.084, F.S. (providing heightened punishments for habitual offenders).

⁷⁵ Section 775.082(4)(a), F.S.

⁷⁶ Section 775.083(1)(d), F.S.

⁷⁷ Section 282.0041(5), F.S.

service provider interaction. This cloud model is composed of five essential characteristics, three service models, and four deployment models.⁷⁸

Second, for purposes of the Act, the bill defines the term “health care provider” as including all of the following:

- Any provider as defined in the Health Care Licensing Procedures Act;⁷⁹
- Any health care practitioner as defined in chapter 456, F.S., which governs health professions and occupations;⁸⁰
- Any health care professional certified under the Radiological Personnel Certification Act;⁸¹
- Any home health aide as defined in the Home Health Services Act;⁸²
- Any service provider as defined in the Florida Mental Health Act,⁸³ and the service provider’s clinical and nonclinical staff who provide inpatient or outpatient services;
- Any licensed continuing care facility;⁸⁴ and
- Any pharmacy permitted under the Florida Pharmacy Act.⁸⁵

Third, the bill amends the Act to provide that in addition to complying with certain federal standards regulating the privacy of individually identifiable health information,⁸⁶ a health care provider that utilizes certified electronic health record technology must ensure that all patient information stored in an offsite physical or virtual environment, including through a third-party or subcontracted computing facility or an entity providing cloud computing services, is physically maintained in the continental U.S. The bill applies this provision to all qualified electronic health records that are stored using any technology that can allow information to be electronically retrieved, accessed, or transmitted.

⁷⁸ U.S. Department of Commerce, National Institute of Standards and Technology, *Special Publication 800-145 (The NIST Definition of Cloud Computing)* (Sept. 2011), available at <https://nvlpubs.nist.gov/nistpubs/Legacy/SP/nistspecialpublication800-145.pdf> (also identifying the referenced five essential characteristics, three service models, and four deployment models) (footnotes omitted).

⁷⁹ See s. 408.803(12), F.S. (defining “provider” as any activity, service, agency, or facility regulated by Agency for Health Care Administration and listed in s. 408.802, F.S.).

⁸⁰ See s. 456.001(4), F.S. (defining “health care practitioner” as any person licensed under one of the listed statutes).

⁸¹ Chapter 468, part IV, F.S.

⁸² See s. 400.462, F.S. (defining “home health aide” as a person who is trained or qualified, as provided by rule, and who provides hands-on personal care, performs simple procedures as an extension of therapy or nursing services, assists in ambulation or exercises, assists in administering medications as permitted in rule and for which the person has received training established by the agency under part III (regulating home health services), or performs tasks delegated to him or her under ch. 464, F.S. (regulating nursing)).

⁸³ See s. 394.455(45), F.S. (defining “service provider” as a receiving facility, a facility licensed under ch. 397, F.S. (governing substance abuse services), a treatment facility, an entity under contract with the department to provide mental health or substance abuse services, a community mental health center or clinic, a psychologist, a clinical social worker, a marriage and family therapist, a mental health counselor, a physician, a psychiatrist, an advanced practice registered nurse, a psychiatric nurse, or a qualified professional as defined in s. 39.01, F.S. (referencing licensed physicians, physician assistants, psychiatrists, psychologists, and psychiatric nurses)).

⁸⁴ See ch. 651, F.S. (governing continuing care contracts).

⁸⁵ Chapter 465, F.S.

⁸⁶ 45 C.F.R. pts. 160 and 164 (subparts A and C).

Amendments to the Health Care Licensing Procedures Act

Section 9 of the bill amends s. 408.810, F.S., which provides certain minimum licensure requirements for health care providers.⁸⁷

The bill provides that a licensee must sign an affidavit at the time of his or her initial application for a license, and on any renewal applications thereafter, that attests under penalty of perjury that he or she is in compliance with the bill, specifically the requirement in the bill that health care providers using certified electronic health record technology ensure that all patient information stored in an offsite physical or virtual environment is physically maintained in the continental U.S. The licensee must remain in compliance with this requirement or be subject to disciplinary action by the agency.

The licensee must also ensure that a person or entity who possesses a controlling interest in the licensee does not also hold, either directly or indirectly, regardless of ownership structure, an interest in an entity that has a business relationship with a foreign country of concern or that is subject to the statute prohibiting contracting with scrutinized companies.⁸⁸

For purposes of this provision, the bill defines the following terms:

- “Business relationship” means engaging in commerce in any form, including, but not limited to, acquiring, developing, maintaining, owning, selling, possessing, leasing, or operating equipment, facilities, personnel, products, services, personal property, real property, military equipment, or any other apparatus of business or commerce.
- “Foreign country of concern” has the same meaning as provided earlier in the bill.⁸⁹
- Having an “interest” in an entity means having any direct or indirect investment in or loan to the entity valued at 5 percent or more of the entity’s net worth, or any form of direct or indirect control exerting similar or greater influence on the governance of the entity.⁹⁰

Amendments to the Statute Criminalizing Threats and Extortion

Section 10 of the bill amends s. 836.05, F.S., which criminalizes threats and extortion, to provide that a person who commits a violation of the statute and at the time of the violation is acting as a foreign agent as defined in state law,⁹¹ with the intent of benefitting a foreign country of concern as defined earlier in the bill,⁹² commits a felony of the first degree, punishable by a term of imprisonment of not exceeding 30 years⁹³ and a \$10,000 fine,⁹⁴ or possibly more under the habitual offender statute.⁹⁵

⁸⁷ See *supra* note 79 (defining providers); see also s. 408.802, F.S. (listing regulated providers).

⁸⁸ Section 287.135, F.S.

⁸⁹ See s. 4 of the bill (creating s. 692.201(3), F.S., which defines “foreign country of concern”).

⁹⁰ See s. 286.101(1), F.S. (defining “interest”).

⁹¹ See s. 812.081(1)(b), F.S. (defining “foreign agent” as any officer, employee, proxy, servant, delegate, or representative of a foreign government).

⁹² See s. 4 of the bill (creating s. 692.201(3), F.S., which defines “foreign country of concern”).

⁹³ Section 775.082(3)(b)1., F.S.

⁹⁴ Section 775.083(1)(b), F.S.

⁹⁵ See generally s. 775.084, F.S. (providing heightened punishments for habitual offenders).

Effective Date

The bill takes effect on July 1, 2023.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

A state's power to apply its law exclusively to its alien inhabitants as a class is confined to narrow limits. However, each state, in the absence of any treaty provision to the contrary, may deny to aliens the right to own land within its border.⁹⁶

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Under the bill, governmental entities are prohibited from knowingly entering into contracts for an economic incentive with a foreign entity. Accordingly, foreign entities (as defined in the bill) will no longer be able to avail themselves of such economic incentives in connection with their projects.

The bill provides that foreign principals who acquired agricultural land or land within 20 miles of a military installation or critical infrastructure facility before July 1, 2023 may

⁹⁶ See *Graham v. Ramani*, 383 So. 2d 634, 635 (Fla. 1980) (recognizing that the U.S. Supreme Court has upheld statutes denying aliens the right to acquire land and citing in support *Terrace v. Thompson*, 263 U.S. 197 (1923); *Terrace* upheld a state of Washington statute prohibiting the ownership of land within the state by nondeclarant aliens, finding that the “privilege of owning or controlling agricultural land within the state” and the “allegiance of those who own, occupy and use the farm lands within its borders are matters of highest importance and affect the safety and power of the state itself” (*id.* at 221)).

continue to own those lands, but may not expand upon their ownership after that date. Similarly, Chinese businesses, and persons who are domiciled in China and not U.S. citizens, who acquired real property before July 1, 2023 may continue to own those lands, but may not expand upon their ownership after that date. To the extent any of these foreign principals, businesses, or persons' business plans assumed future expansions of land ownership, those plans will be negatively impacted by the bill.

The bill requires health care providers that use certified electronic health care technology to ensure that all patient information stored in an offsite physical or virtual environment, including through a third-party or subcontracted facility or an entity providing cloud computing services, is maintained in the continental U.S. To the extent such patient information is not already maintained in the continental U.S., health care providers will incur costs moving that information into the continental U.S.

C. Government Sector Impact:

Under the bill, governmental entities may not contract with entities of foreign countries of concern. To the extent contracting with entities of foreign countries of concern might have resulted in more favorable contractual terms than contracting with other entities, governmental entities will be negatively impacted by the bill.

The bill authorizes the Attorney General, Department of Agriculture and Consumer Services, and the Department of Economic Opportunity to enforce certain affidavit preparation and property forfeiture provisions in the bill. Additionally, the bill requires the Department of Management Services, the Florida Real Estate Commission, and the Department of Economic Opportunity to adopt rules to implement various provisions of the bill. Although these state agencies will incur costs associated with these efforts, it is anticipated that they will be minimal and absorbed by their existing budget allocations.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates the following sections of the Florida Statutes: 287.138, 288.007, 692.201, 692.202, 692.203, and 692.204.

This bill substantially amends the following sections of the Florida Statutes: 408.051, 408.810, and 836.05.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Judiciary on March 14, 2023:

- Revises the definitions of “foreign entity” and “foreign principal,” and the category of Chinese persons and entities that are prohibited from owning or acquiring protected lands in the state, to include the subsidiaries of those entities.
- Clarifies that notwithstanding the general prohibitions in the bill, foreign principals and Chinese persons and entities may still acquire protected lands on or after the effective date, but must divest themselves of those lands within 2 years unless a diplomatic exemption applies.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.

EXHIBIT 39



833514

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/22/2023	.	
	.	
	.	
	.	

The Committee on Rules (Collins) recommended the following:

Senate Amendment (with title amendment)

Delete lines 293 - 663
and insert:
concern and is not a citizen or lawful permanent resident of the
United States.

(5) "Military installation" has the same meaning as in 10
U.S.C. s. 2801(c) (4) and includes an armory as defined in s.
250.01.

(6) "Real property" means land, buildings, fixtures, and
all other improvements to land.



833514

12 Section 5. Section 692.202, Florida Statutes, is created to
13 read:

14 692.202 Purchase of agricultural land by foreign principals
15 prohibited.-

16 (1) A foreign principal may not directly or indirectly own
17 or acquire by purchase, grant, devise, or descent agricultural
18 land or any interest in such land in the state. This prohibition
19 does not apply to a foreign principal that acquires agricultural
20 land for a diplomatic purpose that is recognized, acknowledged,
21 or allowed by the Federal Government.

22 (2) A foreign principal that directly or indirectly owns or
23 acquires agricultural land or any interest in such land in the
24 state before July 1, 2023, may continue to own or hold such land
25 or interest, but may not purchase or otherwise acquire by grant,
26 devise, or descent any additional agricultural land or interest
27 in such land in the state.

28 (3) (a) A foreign principal that directly or indirectly owns
29 or acquires agricultural land or any interest in such land in
30 the state before July 1, 2023, must register with the Department
31 of Agriculture and Consumer Services by January 1, 2024. The
32 department must establish a form for such registration, which,
33 at minimum, must include all of the following:

34 1. The name of the owner of the agricultural land or the
35 owner of the interest in such land.

36 2. The address of the agricultural land, the property
37 appraiser's parcel identification number, and the property's
38 legal description.

39 3. The number of acres of the agricultural land.

40 (b) A foreign principal that fails to timely file a



833514

41 registration with the department is subject to a civil penalty
42 of \$1,000 for each day that the registration is late. The
43 department may place a lien against the unregistered
44 agricultural land for the unpaid balance of any penalties
45 assessed under this paragraph.

46 (4) Notwithstanding subsection (1), a foreign principal may
47 acquire agricultural land on or after July 1, 2023, by devise or
48 descent, through the enforcement of security interests, or
49 through the collection of debts, provided that the foreign
50 principal sells, transfers, or otherwise divests itself of the
51 agricultural land within 2 years after acquiring the
52 agricultural land.

53 (5) (a) At the time of purchase, a buyer of agricultural
54 land or an interest in such land must provide an affidavit
55 signed under penalty of perjury attesting that the buyer is:

- 56 1. Not a foreign principal; and
57 2. In compliance with the requirements of this section.

58 (b) The failure to obtain or maintain the affidavit does
59 not:

60 1. Affect the title or insurability of the title for the
61 agricultural land; or

62 2. Subject the closing agent to civil or criminal liability
63 except for liability under chapter 837, unless the closing agent
64 has actual knowledge that the transaction will result in a
65 violation of this section.

66 (c) The Florida Real Estate Commission shall adopt rules to
67 implement this subsection, including rules establishing the form
68 for the affidavit required under this subsection.

69 (6) (a) The agricultural land or an interest in such land



833514

70 that is owned or acquired in violation of this section may be
71 forfeited to the state.

72 (b) The Department of Agriculture and Consumer Services may
73 initiate a civil action in the circuit court of the county in
74 which the property lies for the forfeiture of the agricultural
75 land or any interest therein.

76 (c) Upon filing such action, the clerk must record a lis
77 pendens in accordance with s. 48.23. The court must advance the
78 cause on the calendar. The defendant may at any time petition to
79 modify or discharge the lis pendens based upon a finding that
80 there is no probable cause to believe that the agricultural
81 land, or any portion thereof, is owned or held in violation of
82 this section.

83 (d) If the court finds that the agricultural land, or any
84 portion thereof, is owned or held in violation of this section,
85 the court must enter a final judgment of forfeiture vesting
86 title to the agricultural land in the state, subject only to the
87 rights and interests of bona fide lienholders, and such final
88 judgment relates back to the date of the lis pendens.

89 (e) The department may sell the agricultural land subject
90 to a final judgment of forfeiture. Any proceeds from the sale
91 must first be paid to any lienholders of the land, followed by
92 payment of any outstanding fines assessed pursuant to this
93 section, after which the department must be reimbursed for all
94 costs related to the forfeiture civil action and any costs
95 related to the sale of the land. Any remaining proceeds must be
96 paid to the property owner.

97 (f) At any time during the forfeiture proceeding the
98 department may seek an ex parte order of seizure of the



833514

99 agricultural land upon a showing that the defendant's control of
100 the agricultural land constitutes a clear and present danger to
101 the state.

102 (7) A foreign principal that purchases or acquires
103 agricultural land or any interest therein in violation of this
104 section commits a misdemeanor of the second degree, punishable
105 as provided in s. 775.082 or s. 775.083.

106 (8) A person who knowingly sells agricultural land or any
107 interest therein in violation of this section commits a
108 misdemeanor of the second degree, punishable as provided in s.
109 775.082 or s. 775.083.

110 (9) The Department of Agriculture and Consumer Services
111 shall adopt rules to implement this section.

112 Section 6. Section 692.203, Florida Statutes, is created to
113 read:

114 692.203 Purchase of real property around military
115 installations and critical infrastructure facilities by foreign
116 principals prohibited.-

117 (1) A foreign principal may not directly or indirectly own
118 or acquire by purchase, grant, devise, or descent any interest
119 in real property within 20 miles of any military installation or
120 critical infrastructure facility in the state. This prohibition
121 does not apply to a foreign principal that acquires real
122 property for a diplomatic purpose that is recognized,
123 acknowledged, or allowed by the Federal Government.

124 (2) A foreign principal that directly or indirectly owns or
125 acquires any interest in real property within 20 miles of any
126 military installation or critical infrastructure facility in the
127 state before July 1, 2023, may continue to own or hold such real



833514

128 property, but may not purchase or otherwise acquire by grant,
129 devise, or descent any additional real property within 20 miles
130 of any military installation or critical infrastructure facility
131 in the state.

132 (3) (a) A foreign principal that owns or acquires real
133 property within 20 miles of any military installation or
134 critical infrastructure facility in the state before July 1,
135 2023, must register with the Department of Economic Opportunity
136 by January 1, 2024. The department must establish a form for
137 such registration which, at a minimum, must include all of the
138 following:

- 139 1. The name of the owner of the real property.
140 2. The address of the real property, the property
141 appraiser's parcel identification number, and the property's
142 legal description.

143 (b) A foreign principal that fails to timely file a
144 registration with the department is subject to a civil penalty
145 of \$1,000 for each day that the registration is late. The
146 department may place a lien against the unregistered real
147 property for the unpaid balance of any penalties assessed under
148 this paragraph.

149 (4) Notwithstanding subsection (1), a foreign principal may
150 acquire real property or any interest therein which is within 20
151 miles of any military installation or critical infrastructure
152 facility in the state on or after July 1, 2023, by devise or
153 descent, through the enforcement of security interests, or
154 through the collection of debts, provided that the foreign
155 principal sells, transfers, or otherwise divests itself of such
156 real property within 2 years after acquiring the real property.



833514

157 (5) (a) At the time of purchase, a buyer of the real
158 property that is within 20 miles of any military installation or
159 critical infrastructure facility in this state must provide an
160 affidavit signed under penalty of perjury attesting that the
161 buyer is:

- 162 1. Not a foreign principal; and
163 2. In compliance with the requirements of this section.

164 (b) The failure to obtain or maintain the affidavit does
165 not:

- 166 1. Affect the title or insurability of the title for the
167 real property; or
168 2. Subject the closing agent to civil or criminal liability
169 except for liability under chapter 837, unless the closing agent
170 has actual knowledge that the transaction will result in a
171 violation of this section.

172 (c) The Florida Real Estate Commission shall adopt rules to
173 implement this subsection, including rules establishing the form
174 for the affidavit required under this subsection.

175 (6) (a) If any real property is owned or acquired in
176 violation of this section, the real property may be forfeited to
177 the state.

178 (b) The Department of Economic Opportunity may initiate a
179 civil action in the circuit court of the county in which the
180 property lies for the forfeiture of the real property or any
181 interest therein.

182 (c) Upon filing such action, the clerk must record a lis
183 pendens in accordance with s. 48.23. The court must advance the
184 cause on the calendar. The defendant may at any time petition to
185 modify or discharge the lis pendens based upon a finding that



833514

186 there is no probable cause to believe that the real property, or
187 any portion thereof, is owned or held in violation of this
188 section.

189 (d) If the court finds that the real property, or any
190 portion thereof, is owned or held in violation of this section,
191 the court must enter a final judgment of forfeiture vesting
192 title to the real property in the state, subject only to the
193 rights and interests of bona fide lienholders, and such final
194 judgment relates back to the date of the lis pendens.

195 (e) The department may sell the real property subject to a
196 final judgment of forfeiture. Any proceeds from the sale must
197 first be paid to any lienholders of the land, followed by
198 payment of any outstanding fines assessed pursuant to this
199 section, after which the department must be reimbursed for all
200 costs related to the forfeiture civil action and any costs
201 related to the sale of the land. Any remaining proceeds must be
202 paid to the property owner.

203 (f) At any time during the forfeiture proceeding the
204 department may seek an ex parte order of seizure of the real
205 property upon a showing that the defendant's control of the real
206 property constitutes a clear and present danger to the state.

207 (7) A foreign principal that purchases or acquires real
208 property or any interest therein in violation of this section
209 commits a misdemeanor of the second degree, punishable as
210 provided in s. 775.082 or s. 775.083.

211 (8) A person who knowingly sells real property or any
212 interest therein in violation of this section commits a
213 misdemeanor of the second degree, punishable as provided in s.
214 775.082 or s. 775.083.



833514

215 (9) The Department of Economic Opportunity shall adopt
216 rules to implement this section.

217 Section 7. Section 692.204, Florida Statutes, is created to
218 read:

219 692.204 Purchase or acquisition of real property by the
220 People's Republic of China prohibited.—

221 (1) (a) The following persons or entities may not directly
222 or indirectly own or acquire by purchase, grant, devise, or
223 descent any interest in real property in the state:

224 1. The People's Republic of China, the Chinese Communist
225 Party, or any official or member of the People's Republic of
226 China or the Chinese Communist Party.

227 2. Any other political party or member of a political party
228 or a subdivision of a political party in the People's Republic
229 of China.

230 3. A partnership, an association, a corporation, an
231 organization, or any other combination of persons organized
232 under the laws of or having its principal place of business in
233 the People's Republic of China, or a subsidiary of such entity.

234 4. Any person who is domiciled in the People's Republic of
235 China and who is not a citizen or lawful permanent resident of
236 the United States.

237 (b) Paragraph (a) does not apply to a person or entity of
238 the People's Republic of China that acquires real property for a
239 diplomatic purpose that is recognized, acknowledged, or allowed
240 by the Federal Government.

241 (2) A person or entity described in paragraph (1) (a) that
242 directly or indirectly owns or acquires any interest in real
243 property in the state before July 1, 2023, may continue to own



833514

244 or hold such real property, but may not purchase or otherwise
245 acquire by grant, devise, or descent any additional real
246 property in the state.

247 (3) (a) A person or entity described in paragraph (1) (a)
248 that owns or acquires real property in the state before July 1,
249 2023, must register with the Department of Economic Opportunity
250 by January 1, 2024. The department must establish a form for
251 such registration which, at a minimum, must include all of the
252 following:

253 1. The name of the owner of the real property.

254 2. The address of the real property, the property
255 appraiser's parcel identification number, and the property's
256 legal description.

257 (b) A person or entity that fails to timely file a
258 registration with the department is subject to a civil penalty
259 of \$1,000 for each day that the registration is late. The
260 department may place a lien against the unregistered real
261 property for the unpaid balance of any penalties assessed under
262 this paragraph.

263 (4) Notwithstanding subsection (1), a person or an entity
264 described in paragraph (1) (a) may acquire real property in the
265 state on or after July 1, 2023, by devise or descent, through
266 the enforcement of security interests, or through the collection
267 of debts, provided that the person or entity sells, transfers,
268 or otherwise divests itself of such real property within 2 years
269 after acquiring the real property unless the person or entity is
270 exempt under paragraph (1) (b).

271 (5) (a) At the time of purchase, a buyer of real property in
272 the state must provide an affidavit signed under penalty of



833514

273 perjury attesting that the buyer is:

274 1. Not a person or entity described in paragraph (1) (a);

275 and

276 2. In compliance with the requirements of this section.

277 (b) The failure to obtain or maintain the affidavit does

278 not:

279 1. Affect the title or insurability of the title for the

280 real property; or

281 2. Subject the closing agent to civil or criminal liability

282 except for liability under chapter 837, unless the closing agent

283 has actual knowledge that the transaction will result in a

284 violation of this section.

285 (c) The Florida Real Estate Commission shall adopt rules to

286 implement this subsection, including rules establishing the form

287 for the affidavit required under this subsection.

288 (6) (a) If any real property is owned or acquired in

289 violation of this section, the real property may be forfeited to

290 the state.

291 (b) The Department of Economic Opportunity may initiate a

292 civil action in the circuit court of the county in which the

293 property lies for the forfeiture of the real property or any

294 interest therein.

295 (c) Upon filing such action, the clerk must record a lis

296 pendens in accordance with s. 48.23. The court must advance the

297 cause on the calendar. The defendant may at any time petition to

298 modify or discharge the lis pendens based upon a finding that

299 there is no probable cause to believe that the real property, or

300 any portion thereof, is owned or held in violation of this

301 section.



833514

302 (d) If the court finds that the real property, or any
303 portion thereof, is owned or held in violation of this section,
304 the court must enter a final judgment of forfeiture vesting
305 title to the real property in the state, subject only to the
306 rights and interests of bona fide lienholders, and such final
307 judgment relates back to the date of the lis pendens.

308 (e) The department may sell the real property subject to a
309 final judgment of forfeiture. Any proceeds from the sale must
310 first be paid to any lienholders of the land, followed by
311 payment of any outstanding fines assessed pursuant to this
312 section, after which the department must be reimbursed for all
313 costs related to the forfeiture civil action and any costs
314 related to the sale of the land. Any remaining proceeds must be
315 paid to the property owner.

316 (f) At any time during the forfeiture proceeding the
317 department may seek an ex parte order of seizure of the real
318 property upon a showing that the defendant's control of the real
319 property constitutes a clear and present danger to the state.

320 (7) A violation of this section constitutes a felony of the
321 third degree, punishable as provided in s. 775.082, s. 775.083,
322 or s. 775.084.

323 (8) A person who sells real property or any interest
324 therein in violation of this section commits a misdemeanor of
325 the first degree, punishable as provided in s. 775.082 or s.
326 775.083.

327 (9) The Department of Economic Opportunity shall adopt
328 rules to implement this section.

329 Section 8. Present subsections (3), (4), and (5) of section
330 408.051, Florida Statutes, are redesignated as subsections (4),



833514

331 (5), and (6), respectively, a new subsection (3) is added to
332 that section, and subsection (2) of that section is reordered
333 and amended, to read:

334 408.051 Florida Electronic Health Records Exchange Act.—

335 (2) DEFINITIONS.—As used in this section, the term:

336 (c)~~(a)~~ "Electronic health record" means a record of a
337 person's medical treatment which is created by a licensed health
338 care provider and stored in an interoperable and accessible
339 digital format.

340 (i)~~(b)~~ "Qualified electronic health record" means an
341 electronic record of health-related information concerning an
342 individual which includes patient demographic and clinical
343 health information, such as medical history and problem lists,
344 and which has the capacity to provide clinical decision support,
345 to support physician order entry, to capture and query
346 information relevant to health care quality, and to exchange
347 electronic health information with, and integrate such
348 information from, other sources.

349 (a)~~(e)~~ "Certified electronic health record technology"
350 means a qualified electronic health record that is certified
351 pursuant to s. 3001(c)(5) of the Public Health Service Act as
352 meeting standards adopted under s. 3004 of such act which are
353 applicable to the type of record involved, such as an ambulatory
354 electronic health record for office-based physicians or an
355 inpatient hospital electronic health record for hospitals.

356 (b) "Cloud computing" has the same meaning as in s.
357 282.0041.

358 (d) "Health care provider" means any of the following:

359 1. A provider as defined in s. 408.803.



833514

360 2. A health care practitioner as defined in s. 456.001.

361 3. A health care professional certified under part IV of
362 chapter 468.

363 4. A home health aide as defined in s. 400.462.

364 5. A service provider as defined in s. 394.455 and the
365 service provider's clinical and nonclinical staff who provide
366 inpatient or outpatient services.

367 6. A continuing care facility licensed under chapter 651.

368 7. A pharmacy permitted under chapter 465.

369 (e)~~(d)~~ "Health record" means any information, recorded in
370 any form or medium, which relates to the past, present, or
371 future health of an individual for the primary purpose of
372 providing health care and health-related services.

373 (f)~~(e)~~ "Identifiable health record" means any health record
374 that identifies the patient or with respect to which there is a
375 reasonable basis to believe the information can be used to
376 identify the patient.

377 (g)~~(f)~~ "Patient" means an individual who has sought, is
378 seeking, is undergoing, or has undergone care or treatment in a
379 health care facility or by a health care provider.

380 (h)~~(g)~~ "Patient representative" means a parent of a minor
381 patient, a court-appointed guardian for the patient, a health
382 care surrogate, or a person holding a power of attorney or
383 notarized consent appropriately executed by the patient granting
384 permission to a health care facility or health care provider to
385 disclose the patient's health care information to that person.
386 In the case of a deceased patient, the term also means the
387 personal representative of the estate of the deceased patient;
388 the deceased patient's surviving spouse, surviving parent, or



833514

389 surviving adult child; the parent or guardian of a surviving
390 minor child of the deceased patient; the attorney for the
391 patient's surviving spouse, parent, or adult child; or the
392 attorney for the parent or guardian of a surviving minor child.

393 (3) SECURITY AND STORAGE OF PERSONAL MEDICAL INFORMATION.-

394 In addition to the requirements in 45 C.F.R. part 160 and
395 subparts A and C of part 164, a health care provider that
396 utilizes certified electronic health record technology must
397 ensure that all patient information stored in an offsite
398 physical or virtual environment, including through a third-party
399 or subcontracted computing facility or an entity providing cloud
400 computing services, is physically maintained in the continental
401 United States or its territories or Canada. This subsection
402 applies to all qualified

403
404 ===== T I T L E A M E N D M E N T =====

405 And the title is amended as follows:

406 Delete lines 46 - 114

407 and insert:

408 real property, respectively, or subject the closing
409 agent to certain liability; authorizing the Florida
410 Real Estate Commission to adopt rules; authorizing
411 that certain agricultural land or real property be
412 forfeited to the state; authorizing the Department of
413 Agriculture and Consumer Services and the Department
414 of Economic Opportunity to initiate civil actions for
415 forfeiture of the interest in agricultural land or
416 real property, respectively; requiring that such
417 actions be filed in a certain circuit court; requiring



833514

418 clerks to record a lis pendens; requiring courts to
419 advance the cause on the calendar; authorizing
420 defendants to petition to modify or discharge the lis
421 pendens; requiring the court to enter a specified
422 final judgment under certain circumstances;
423 authorizing the Department of Agriculture and Consumer
424 Services and the Department of Economic Opportunity,
425 respectively, to sell the agricultural land or real
426 property; providing requirements for the proceeds from
427 such sale; authorizing the Department of Agriculture
428 and Consumer Services and the Department of Economic
429 Opportunity, respectively, to seek a specified ex
430 parte order; providing criminal penalties; requiring
431 the Department of Agriculture and Consumer Services
432 and the Department of Economic Opportunity,
433 respectively, to adopt rules; creating s. 692.204,
434 F.S.; prohibiting the People's Republic of China, the
435 Chinese Communist Party, any other political party or
436 member of a political party in the People's Republic
437 of China, and certain persons and entities from
438 purchasing or acquiring real property in the state;
439 providing an exception; authorizing such persons and
440 entities to continue to own or hold such real property
441 under certain circumstances; requiring certain persons
442 or entities that own or acquire real property in the
443 state to register with the Department of Economic
444 Opportunity by a specified date; requiring the
445 Department of Economic Opportunity to establish a form
446 for such registration; providing civil penalties;



833514

447 authorizing the Department of Economic Opportunity to
448 place a lien against unregistered real property;
449 requiring certain persons and entities to sell,
450 transfer, or otherwise divest themselves of certain
451 real property within a specified timeframe; requiring
452 buyers of real property to provide a signed affidavit;
453 specifying that the failure to maintain or obtain the
454 affidavit does not affect the title or insurability of
455 the title for the real property or subject the closing
456 agent to certain liability; authorizing the commission
457 to adopt rules; authorizing certain real property to
458 be forfeited to the state; authorizing the Department
459 of Economic Opportunity to initiate civil actions for
460 forfeiture of the interest in real property; requiring
461 such actions to be filed in a certain circuit court;
462 requiring clerks to record a lis pendens; requiring
463 courts to advance the cause on the calendar;
464 authorizing defendants to petition to modify or
465 discharge the lis pendens; requiring the court to
466 enter a specified final judgment under certain
467 circumstances; authorizing the Department of Economic
468 Opportunity to sell the real property; providing
469 requirements for the proceeds from such sale;
470 authorizing the Department of Economic Opportunity to
471 seek a specified ex parte order; providing criminal
472 penalties; requiring the Department of Economic
473 Opportunity to adopt rules; amending s. 408.051, F.S.;
474 defining the terms "cloud computing" and "health care
475 provider"; requiring that certain information held by



833514

476 health care providers that utilize certified
477 electronic health record technology be maintained in
478 specified locations; providing

EXHIBIT 40

EXHIBIT 41

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Rules

BILL: CS/CS/SB 264

INTRODUCER: Rules Committee; Judiciary Committee; and Senators Collins and Avila

SUBJECT: Interests of Foreign Countries

DATE: March 22, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Collazo</u>	<u>Cibula</u>	<u>JU</u>	Fav/CS
2.	<u>Collazo</u>	<u>Twogood</u>	<u>RC</u>	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 264 generally restricts both governmental entity contracting with certain foreign countries and entities of concern, as well as conveyances of agricultural lands and other interests in real property to foreign principals, the People's Republic of China, and other entities and persons that are affiliated with them. It also amends certain electronic health record statutes to ensure that such records are physically stored in the continental U.S., U.S. territories, or Canada.

Specifically, with respect to governmental entity contracting, the bill creates statutes that prohibit governmental entities from:

- Contracting with entities of foreign countries of concern.
- Entering into contracts for an economic incentive with a foreign entity.

And with respect to conveyances of agricultural lands, the bill creates statutes that:

- Prohibit a foreign principal from owning or acquiring agricultural land in the state.
- Prohibit a foreign principal from owning or acquiring any interest in real property within 20 miles of any military installation or critical infrastructure in the state.
- Prohibit China, Chinese Communist Party or other Chinese political party officials or members, Chinese business organizations, and persons domiciled in China, but who are not citizens or lawful permanent residents of the U.S., from purchasing or acquiring any interest in real property in the state.

The bill also amends:

- The Florida Electronic Health Records Act, to require that the offsite storage of certain personal medical information be physically maintained in the continental U.S., U.S. territories, or Canada.
- The Health Care Licensing Procedures Act, to require licensees to sign affidavits attesting that all patient information stored by them is being physically maintained in the continental U.S., U.S. territories, or Canada.
- The statute criminalizing threats and extortion, to provide that a person who commits a violation of the statute, and at the time is acting as a foreign agent with the intent of benefitting a foreign country of concern, commits a first degree felony.

The bill takes effect July 1, 2023.

II. Present Situation:

Foreign Ownership of U.S. Agricultural Land

Foreign ownership and investment in U.S. agricultural land has generated significant interest in recent years.¹ Several high-profile incidents have prompted lawmakers to focus their attention on evaluating and responding to the potential impacts of foreign ownership and investment on national security, trade, and food security.²

A significant example occurred last year. Fufeng Group Limited, a Chinese food manufacturer, acquired 300 acres of land near the Grand Forks Air Force Base in North Dakota in order to build a wet corn milling and biofermentation plant.³ The Air Force base, which is only about 12 miles away from the site, is believed to be the home of some of the country's most sophisticated, "top secret" military drone technology.⁴ The location of the land close to the base made it particularly convenient for monitoring air traffic flows in and out of the base, among other security-related concerns.⁵

In January, Andrew P. Hunter, Assistant Secretary of the Air Force for Acquisition, Technology and Logistics,⁶ sent U.S. Senator John Hoeven a letter providing the Air Force's official position

¹ Aleks Phillips, *What the U.S. Is Doing to Curtail Chinese Land Ownership*, NEWSWEEK, Feb. 13, 2023, <https://www.newsweek.com/chinese-land-ownership-investment-us-military-bases-1780886>.

² See Letter from Congressmen Glenn "GT" Thompson & James Comer to Gene L. Dodaro, Comptroller General of the U.S. Government Accountability Office (Oct. 1, 2022), available at https://oversight.house.gov/wp-content/uploads/2022/10/20221001_GAO_foreignlandownership.pdf (requesting that the office conduct a review of foreign investment in U.S. farmland and its impact on national security, trade, and food security).

³ Congressional Research Service (CRS), *Foreign Ownership and Holdings of U.S. Agricultural Land* (version 4, updated Jan. 24, 2023), available at <https://crsreports.congress.gov/product/pdf/IF/IF11977>.

⁴ Ariel Zilber, *Chinese firm bought North Dakota farm near U.S. Air Force drone base: report*, NEW YORK POST, Jul. 1, 2022, <https://nypost.com/2022/07/01/chinese-firm-bought-farm-near-us-air-force-drone-base-report/>; see also Letter from Thompson & Comer, *supra* note 2 (describing the technology as "top secret"); see also Lauren Greenwood, U.S.-China Economic and Security Review Commission, *China's Interests in U.S. Agriculture: Augmenting Food Security through Investment Abroad* (May 26, 2022), 11, available at https://www.uscc.gov/sites/default/files/2022-05/Chinas_Interests_in_U.S._Agriculture.pdf (noting that the Grand Forks Air Force Base "houses some of the United States' top intelligence, surveillance, and reconnaissance capabilities").

⁵ Greenwood, *supra* note 4.

⁶ U.S. Air Force, *Andrew P. Hunter* (Sept. 2022), <https://www.af.mil/About-Us/Biographies/Display/Article/3154079/andrew-p-hunter/>.

on the project. It confirmed that “Grand Forks Air Force Base is the center of military activities related to both air and space operations” and that the department’s position is “unambiguous: the proposed project presents a significant threat to national security with both near- and long-term risks of significant impacts to our operations in the area.”⁷ About a week after the department issued its letter, the Grand Forks City Council abandoned the project.⁸

In addition to national security concerns, federal officials are also concerned about potential food security impacts. A recent letter from 130 lawmakers to the U.S. Government Accountability Office expressed concern that “foreign investment in U.S. farmland could result in foreign control of available U.S. farmland, especially prime agricultural lands, and possibly lead to foreign control over food production and food prices.”⁹ In a separate interview, one of the lawmakers noted that “food security is national security,” explaining that Russia was able to exercise undue influence over Europe because it supplied Europe with a significant amount of natural gas, and that China might similarly try to control food supplies in South America, Southeast Asia, and even North America, in order to exert greater coercive power around the globe.¹⁰

Other recent incidents, while not involving the acquisition of U.S. farmland, suggest that China is working aggressively to undermine U.S. interests in other ways, both at home and abroad:

- Confucius Institutes, which offer Chinese language and cultural programs, first began appearing on U.S. university campuses in 2005. Some Members of Congress and others have alleged that they may play a role in China’s efforts to influence public opinion abroad, recruit “influence agents” on U.S. campuses, and engage in cyber espionage and intellectual property theft.¹¹
- In November of last year, FBI Director Christopher Wray testified at a U.S. Senate Homeland Security and Governmental Affairs Committee hearing about the existence of certain unauthorized ‘police stations’ established by China in major U.S. cities, noting that the U.S. has made a number of indictments involving the Chinese government harassing, stalking, surveilling, and blackmailing people in the U.S. who disagreed with Chinese leader Xi Jinping.¹²
- Last month, the U.S. shot down a Chinese spy balloon after it had traversed over a large swath of North America. The Biden Administration alleged it was part of a larger Chinese surveillance-balloon program that had violated the sovereignty of nations all over the world.¹³

⁷ Letter from Andrew P. Hunter, Office of the Assistant Secretary, to U.S. Senator John Hoeven (Jan. 27, 2023), *available at* <https://www.hoeven.senate.gov/imo/media/doc/USAIRFORCE-FUFENG-LETTER-HOEVEN.pdf>.

⁸ Meghan Arbogast, *Year-long Fufeng debate comes to an end after Grand Forks council members vote to stop project*, GRAND FORKS HERALD, Feb. 6, 2023, <https://www.grandforksherald.com/news/local/year-long-fufeng-debate-comes-to-an-end-after-grand-forks-council-members-vote-to-stop-project>.

⁹ Letter from Thompson & Comer, *supra* note 2.

¹⁰ NPR, *China is buying up more U.S. farmland. Some lawmakers consider that a security threat* (Mar. 1, 2023), <https://www.npr.org/2023/03/01/1160297853/china-farmland-purchases-house-hearing-competition>.

¹¹ CRS, *Confucius Institutes in the United States: Selected Issues* (version 12, updated May 20, 2022), <https://crsreports.congress.gov/product/pdf/IF/IF11180>.

¹² Michael Martina & Ted Hesson, *FBI director ‘very concerned’ by Chinese ‘police stations’ in U.S.*, REUTERS, Nov. 17, 2022, <https://www.reuters.com/world/us/fbi-director-very-concerned-by-chinese-police-stations-us-2022-11-17/>.

¹³ Isaac Chotiner, *What’s Behind the Chinese Spy Balloon*, THE NEW YORKER, Feb. 18, 2023, <https://www.newyorker.com/news/q-and-a/whats-behind-the-chinese-spy-balloon>.

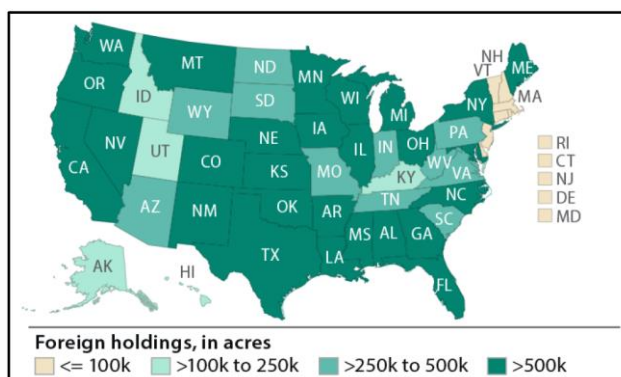
- This month, the U.S. (and Canada) issued orders banning the use of TikTok, a Chinese-owned video sharing app, on government-issued mobile devices amid growing privacy and cybersecurity concerns.¹⁴
- Also this month, U.S. defense and national security officials have raised the possibility that certain Chinese-made giant cargo cranes are being used for espionage.¹⁵

Ownership Statistics

Foreign persons and entities held an interest in 40.8 million acres of U.S. agricultural land in 2021, accounting for 3.1% of total privately owned land.¹⁶ These data cover agricultural land and nonagricultural land (e.g. associated homesteads, roads, etc.). In 2021, forestland accounted for 47% of all foreign-owned land, cropland accounted for 29%, and pasture and other agricultural land for 22%. Nonagricultural land (such as homesteads and roads) accounted for 2%. Foreign land holdings have increased by an average of 2.2 million acres per year since 2015.¹⁷

With respect to China specifically, not including the Fufeng Group Limited's purchase in 2022, the U.S. Department of Agriculture reports that China accounted for 383,935 acres, or 0.9% of total foreign-owned U.S. agricultural land as of year-end 2021.¹⁸ The department also reports that 85 Chinese investors own 275 parcels of agricultural land totaling 194,772 acres worth \$1,868,577.¹⁹

Country	Total (million acres)	U.S. Entities % of U.S.		Private Land (percent)
		Foreign Entities	w/ Foreign Shares	
Canada	12.8	9.7	3.2	1.0%
Netherlands	4.9	4.4	0.5	0.4%
Italy	2.7	2.6	0.1	0.2%
United Kingdom	2.5	1.5	1.0	0.2%
Germany	2.3	1.4	0.9	0.2%
Subtotal	25.2	19.6	5.7	2.0%
Other Countries	12.4	7.1	5.3	1.0%
Not Listed	3.2	2.4	0.8	0.3%
Total	40.8	29.1	11.7	3.1%



Foreign Holdings of Agricultural Land, 2021²⁰

As of year-end 2021, the states with the most foreign-owned agricultural acreage were Texas (5.3 million acres), Maine (3.6 million acres), Colorado (1.9 million acres), Alabama (1.8 million

¹⁴ CBS News, *TikTok banned on U.S. government devices, and the U.S. is not alone. Here's where the app is restricted* (Mar. 1, 2023), <https://www.cbsnews.com/news/tiktok-banned-us-government-where-else-around-the-world/>.

¹⁵ Kent Masing, *U.S. Concerned China-Made Cranes In American Ports Used To Spy On Military: Report*, INTERNATIONAL BUSINESS TIMES, Mar. 6, 2023, <https://www.ibtimes.com/us-concerned-china-made-cranes-american-ports-used-spy-military-report-3673964>.

¹⁶ CRS, *supra* note 3, at 2.

¹⁷ *Id.*

¹⁸ *Id.*; Farm Service Agency, U.S. Department of Agriculture, *Foreign Holdings of U.S. Agricultural Land* (through Dec. 31, 2021), 4, available at <https://www.fsa.usda.gov/programs-and-services/economic-and-policy-analysis/afida/annual-reports/index>.

¹⁹ Farm Service Agency, *supra* note 18, at 229.

²⁰ *Id.* at Table 1 and Figure 2 (internal citations omitted).

acres), and Oklahoma (1.7 million acres). Other states with more than 1 million foreign-owned acres were Arkansas, California, Florida, Georgia, Kansas, Louisiana, Michigan, New Mexico, Oregon, and Washington.²¹

According to the U.S. Department of Agriculture, of the 21,849,568 acres of privately held agricultural land in Florida, 1,382,284 acres (6.3%) are held by foreigners, which is among the highest proportions in the U.S.²² It is unclear how much of that land is owned by China, although the department does report that it owns 96,975 acres in the “South Region,” which includes Florida.²³

Existing Federal and State Laws

Federal law currently imposes no restrictions on the amount of private U.S. agricultural land that can be foreign-owned.²⁴ However, the Agricultural Foreign Investment Disclosure Act of 1978 established a nationwide system for collecting information pertaining to the foreign ownership of U.S. agricultural land,²⁵ including land used for agricultural, forestry, or timber production purposes.²⁶ For purposes of the act, foreign persons include any individual, corporation, company, association, partnership, society, joint stock company, trust, estate, or any other legal entity (including any foreign government) under the laws of a foreign government or having a principal place of business outside of the U.S.²⁷

The act’s regulations require foreign persons who buy, sell, or gain interest in U.S. agricultural land to disclose their holdings and transactions to the U.S. Department of Agriculture directly or to the Farm Service Agency county office where the land is located.²⁸ Failure to disclose this information may result in penalties and fines.²⁹ After the original disclosure, each subsequent change of ownership or use must be reported.³⁰ It should be noted that some have expressed concern that U.S. Department of Agriculture figures developed under the act may actually underestimate foreign ownership due to unreliable data collection and the definitions used by the department.³¹

The Committee on Foreign Investment in the U.S. is an interagency committee authorized to review certain transactions involving foreign investment in the U.S. and real estate transactions by foreign persons, in order to determine the effect of such transactions on national security.³² Notwithstanding recent expansions to the committee’s jurisdictional authority and review

²¹ *Id.*

²² See Farm Service Agency, *supra* note 18, at 4, 17.

²³ *Id.* at 238.

²⁴ CRS, *supra* note 3, at 1.

²⁵ Pub. L. No. 95-460, 92 Stat. 1263 (1978); 7 U.S.C. ss. 3501-3508.

²⁶ 7 U.S.C. s. 3508(1); 7 C.F.R. s. 781.2(b).

²⁷ 7 U.S.C. s. 3508(3); 7 C.F.R. s. 781.2(g).

²⁸ 7 U.S.C. s. 3501(a); 7 C.F.R. s. 781.3(a).

²⁹ 7 U.S.C. s. 3502; 7 C.F.R. ss. 781.4., 781.5.

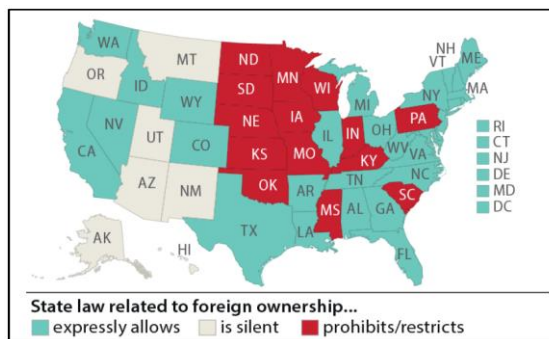
³⁰ 7 U.S.C. s. 3501(a); 7 C.F.R. s. 781.3(b).

³¹ Texas Farm Bureau, *Lawmakers ask for review of foreign ownership of U.S. farmland*, <https://texasfarmbureau.org/lawmakers-ask-for-review-of-foreign-ownership-of-u-s-farmland/> (last visited Mar. 7, 2023).

³² U.S. Department of the Treasury, *The Committee on Foreign Investment in the United States*, <https://home.treasury.gov/policy-issues/international/the-committee-on-foreign-investment-in-the-united-states-cfius> (last visited Mar. 6, 2023).

considerations,³³ there appear to be significant gaps. For example, the committee recently determined that Fufeng Group Limited's purchase near Grand Forks Air Force Base was outside of its jurisdiction and that it would therefore take no further action.³⁴

Some U.S. states and localities have instituted restrictions on the foreign ownership of farmland.³⁵ Although no state has instituted an absolute prohibition on all foreign ownership, some states have limited or proposed to prohibit certain foreign persons and entities from acquiring or owning an interest in agricultural land within their states, and several states have separate disclosure requirements within their states.³⁶



*Overview of Selected State Laws Related to Foreign Ownership of U.S. Agricultural Land*³⁷

There is no single uniform approach under state laws to addressing foreign ownership.³⁸ Some general categories include:

- Restrictions on the amount of land that can be owned or the duration of ownership.
- Distinctions involving private versus public land or how agricultural land is defined.
- Distinctions involving resident and nonresident aliens.
- Inheritance considerations involving land ownership.
- Restrictions on ownership by foreign corporations (e.g. corporate farming laws or requirements corporations are subject to in order to obtain license or register).
- Differences related to enforcement and penalties.³⁹

Currently, in Florida, foreign persons and entities have the same rights in real property as do citizens of the U.S. Foreign corporations, upon qualifying to do business in the state, have the same rights in real property as do domestic corporations. Foreign ownership of a domestic corporation has no effect on that corporation's rights in real property. No disclosure is required by any person or corporation when acquiring, holding or transferring rights in real property.⁴⁰

³³ See *id.* (discussing Executive Order 14083, the Foreign Investment Risk Review Modernization Act of 2018, and associated regulations).

³⁴ T.J. Nelson, KVVR Local News, *Fufeng USA Looking to Move Ahead with Grand Forks Project After Federal Agency Review Suddenly Ends* (Dec. 13, 2022), <https://www.kvrr.com/2022/12/13/fufeng-usa-looking-to-move-ahead-with-grand-forks-project-after-federal-agency-review-suddenly-ends/>.

³⁵ CRS *supra* note 3, at 1.

³⁶ *Id.*

³⁷ *Id.* at Figure 1 (internal citation omitted).

³⁸ *Id.* at 1.

³⁹ *Id.*

⁴⁰ See 2 INTERNATIONAL BUSINESS TRANSACTIONS s. 29:26 (3d ed., updated Nov. 2022).

Florida Electronic Health Records Act

The Florida Electronic Health Records Act⁴¹ authorizes health care providers to release or access an identifiable health record of a patient without the patient's consent for use in the treatment of that patient for an emergency medical condition, when consent cannot be obtained from the patient or the patient representative due to the patient's condition or the nature of the situation requiring immediate medical attention.⁴² It provides immunity from civil liability whenever a health care provider accesses or releases the identifiable health record in good faith under the statute. It also directs the Agency for Health Care Administration to develop a form to document patient authorization for the use or release of an identifiable health record.⁴³ The act includes definitions for the following terms: "electronic health record," "qualified electronic health record," "certified electronic health record technology," "health record," "identifiable health record," "patient," and "patient representative."⁴⁴

Health Care Licensing Procedures Act

The Health Care Licensing Procedures Act⁴⁵ provides a streamlined and consistent set of basic licensing requirements for health care providers.⁴⁶ The act is intended to minimize confusion, standardize terminology, and include issues that are not otherwise addressed in state law pertaining to specific providers.⁴⁷ Among other things, it provides certain minimum licensure requirements, with which applicants and licensees must comply in order to obtain and maintain a license.⁴⁸

Statute Criminalizing Threats and Extortion

State law criminalizes threats and extortion. One commits the crime if he or she, either verbally or by a written or printed communication:

maliciously threatens to accuse another of any crime or offense, or by such communication maliciously threatens an injury to the person, property or reputation of another, or maliciously threatens to expose another to disgrace, or to expose any secret affecting another, or to impute any deformity or lack of chastity to another, with intent thereby to extort money or any pecuniary advantage whatsoever, or with intent to compel the person so threatened, or any other person, to do any act or refrain from doing any act against his or her will[.]⁴⁹

⁴¹ Section 408.051, F.S.

⁴² Section 408.051(3), F.S.

⁴³ Section 408.051(4), F.S.

⁴⁴ Section 408.051(2), F.S.

⁴⁵ Chapter 408, Part II, F.S.; *see also* s. 408.801(1), F.S. (providing a short title).

⁴⁶ Section 408.801(2), F.S.

⁴⁷ *Id.*

⁴⁸ *See generally* s. 408.810, F.S.

⁴⁹ Section 836.05, F.S.

The crime is a second degree felony, punishable by a term of imprisonment not exceeding 15 years⁵⁰ and a \$10,000 fine,⁵¹ or possibly more under the habitual offender statute.⁵²

III. Effect of Proposed Changes:

CS/CS/SB 264 generally restricts both governmental entity contracting with certain foreign countries and entities of concern, as well as conveyances of agricultural lands and other interests in real property to foreign principals, the People's Republic of China, and other entities and persons that are affiliated with them. It also amends certain electronic health record statutes to ensure that such records are physically stored in the continental U.S., U.S. territories, or Canada.

Prohibition on Governmental Entity Contracting with Entities of Foreign Countries of Concern

Section 1 of the bill creates s. 287.138, F.S., within chapter 287, part I, F.S., which governs commodities, insurance, and contractual services, to prohibit contracting between governmental entities and entities of foreign countries of concern.

The bill defines the following terms for purposes of the new statute:

- “Controlling interest” means possession of the power to direct or cause the direction of the management or policies of a company, whether through ownership of securities, by contract, or otherwise. A person or entity that directly or indirectly has the right to vote 25 percent or more of the voting interests of the company or is entitled to 25 percent or more of its profits is presumed to possess a controlling interest in that company.
- “Department” means the Department of Management Services.
- “Foreign country of concern” means:
 - The People's Republic of China.
 - The Russian Federation.
 - The Islamic Republic of Iran.
 - The Democratic People's Republic of Korea.
 - The Republic of Cuba.
 - The Venezuelan regime of Nicolás Maduro.
 - The Syrian Arab Republic.
 - Any agency of, or any other entity under the significant control of, one of the above-listed foreign countries of concern.
- “Governmental entity” means any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, but not limited to, the Commission on Ethics, the Public Service Commission, the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.

The bill provides that governmental entities may not knowingly enter into a contract with an entity which would give access to an individual's personal identifying information if:

⁵⁰ Section 775.082(3)(d), F.S.

⁵¹ Section 775.083(1)(b), F.S.

⁵² See generally s. 775.084, F.S. (providing heightened punishments for habitual offenders).

- The entity is owned by the government of a foreign country of concern;
- The government of a foreign country of concern has a controlling interest in the entity; or
- The entity is organized under the laws of or has its principal place of business in a foreign country of concern.

Additionally, the bill provides that:

- Beginning January 1, 2024, a governmental entity may not accept a bid on, a proposal for, or a reply to, or enter into, a contract with an entity which would grant the entity access to an individual's personal identifying information unless the entity provides the governmental entity with an affidavit signed by an officer or representative of the entity under penalty of perjury attesting that the entity does not meet any of the criteria in the new statute.
- Beginning July 1, 2025:
 - A governmental entity may not extend or renew a contract with one of the entities listed above if the contract would give such entity access to an individual's personal identifying information.
 - When an entity extends or renews a contract with a governmental entity which would grant the entity access to an individual's personal identifying information, the entity must provide the governmental entity with an affidavit signed by an officer or representative of the entity under penalty of perjury attesting that the entity does not meet any of the criteria in the new statute.

The bill authorizes the Attorney General to bring a civil action in any court of competent jurisdiction against an entity that violates the statute. Violations of the statute may result in:

- A civil penalty equal to twice the amount of the contract for which the entity submitted a bid or proposal for, replied to, or entered into.
- Ineligibility to enter into, renew, or extend any contract, including any grant agreements, with any governmental entity for up to 5 years.
- Ineligibility to receive or renew any license, certification, or credential issued by a governmental entity for up to 5 years.
- Placement on the suspended vendor list.⁵³

Any penalties collected from entities that violate the statute must be deposited into the General Revenue Fund.

The bill also authorizes the department to adopt rules to implement the statute, including rules establishing the form for the affidavit required under the statute.

Prohibition on Contracting for an Economic Incentive with a Foreign Entity

Section 2 of the bill creates s. 288.007, F.S., to prohibit governmental entities from entering into contracts for an economic incentive with a foreign entity.

The bill defines the following terms for purposes of the new statute:

- “Controlled by” means having possession of the power to direct or cause the direction of the management or policies of a company, whether through ownership of securities, by contract,

⁵³ See s. 287.1351, F.S. (providing for the suspension of certain vendors).

or otherwise. A person or entity that directly or indirectly has the right to vote 25 percent or more of the voting interests of the company, or that is entitled to 25 percent or more of its profits, is presumed to control the foreign entity.

- “Economic incentive” means all programs administered by, or for which an applicant for the program must seek certification, approval, or other action by, the department under chapter 288, F.S. (governing commercial development and capital improvements), chapter 212, F.S. (governing tax on sales, use, and other transactions), or chapter 220, F.S. (the income tax code), and all local economic development programs, grants, or financial benefits administered by a political subdivision or an agent thereof.
- “Foreign country of concern” has the same meaning as defined later in the bill.⁵⁴
- “Foreign entity” means an entity that is:
 - Owned or controlled by the government of a foreign country of concern; or
 - A partnership, association, corporation, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country of concern, or a subsidiary of such entity.
- “Government entity” means a state agency, a political subdivision, or any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.

The bill provides that a government entity may not knowingly enter into an agreement or contract for an economic incentive with a foreign entity. Before providing any economic incentive, a government entity must require the recipient or applicant to provide the government entity with an affidavit signed under penalty of perjury attesting that the recipient or applicant is not a foreign entity.

The bill also requires the department to adopt rules to administer the new statute, including rules establishing the form for the required affidavit.

Prohibition of Conveyances to Foreign Entities

Section 3 of the bill directs the Division of Law Revision to create part III of chapter 692, F.S., consisting of ss. 692.201, 692.202, 692.203, and 692.204, F.S., to be entitled “Conveyances to Foreign Entities.”

Definitions

Section 4 of the bill creates s. 692.201, F.S., which defines the following terms for purposes of part III of chapter 692, F.S.:

- “Agricultural land” means land classified as agricultural under state law.⁵⁵
- “Critical infrastructure facility” means any of the following, if it employs measures such as fences, barriers, or guard posts that are designed to exclude unauthorized persons:
 - A chemical manufacturing facility.
 - A refinery.

⁵⁴ See s. 4 of the bill (creating s. 692.201(3), F.S., which defines “foreign country of concern”).

⁵⁵ See s. 193.461, F.S. (providing the agricultural land classification process).

- An electrical power plant, including a substation, switching station, electrical control center, or electric transmission or distribution facility.⁵⁶
- A water intake structure, water treatment facility, wastewater treatment plant, or pump station.
- A natural gas transmission compressor station.
- A liquid natural gas terminal or storage facility.
- A telecommunications central switching office.
- An inland port or other facility or group of facilities serving as a point of intermodal transfer of freight in a specific area physically separated from a seaport.
- A gas processing plant, including a plant used in the processing, treatment, or fractionation of natural gas.
- A seaport.⁵⁷
- A spaceport territory.⁵⁸
- “Foreign country of concern” means:
 - The People’s Republic of China.
 - The Russian Federation.
 - The Islamic Republic of Iran.
 - The Democratic People’s Republic of Korea.
 - The Republic of Cuba.
 - The Venezuelan regime of Nicolás Maduro.
 - The Syrian Arab Republic.
 - Any agency of, or any other entity under the significant control of, one of the above-listed foreign countries of concern.
- “Foreign principal” means:
 - The government or any official of the government of a foreign country of concern;
 - A political party or member of a political party or any subdivision of a political party in a foreign country of concern;
 - A partnership, association, corporation, organization, or other combination of persons organized under the laws of, or having its principal place of business in, a foreign country of concern, or a subsidiary of such entity; or
 - Any person who is domiciled in a foreign country of concern and is not a citizen or lawful permanent resident of the U.S.
- “Military installation” means a base, camp, post, station, yard, center, or other activity under the jurisdiction of the secretary of a military department or, in the case of an activity in a foreign country, under the operational control of the secretary of a military department or the

⁵⁶ See s. 403.031(20), F.S. (defining “electrical power plant” as meaning any electrical generating facility that uses any process or fuel and that is owned or operated by an electric utility, as defined in s. 403.503(14), and includes any associated facility that directly supports the operation of the electrical power plant).

⁵⁷ See s. 311.09(1), F.S. (listing the ports of Jacksonville, Port Canaveral, Port Citrus, Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee, St. Petersburg, Putnam County, Tampa, Port St. Joe, Panama City, Pensacola, Key West, and Fernandina).

⁵⁸ See s. 331.303(18), F.S. (defining “spaceport territory” as the geographical area designated in s. 331.304, F.S., and as amended or changed in accordance with s. 331.329, F.S.; it includes, but is not limited to, the real property located in Brevard County that is included within the 1998 boundaries of Patrick Space Force Base, formerly Patrick Air Force Base; Cape Canaveral Space Force Station, formerly Cape Canaveral Air Force Station; and the John F. Kennedy Space Center).

Secretary of Defense, without regard to the duration of operational control.⁵⁹ For purposes of the bill, military installations include armories.⁶⁰

- “Real property” means land, buildings, fixtures, and all other improvements to land.

Purchase of Agricultural Land by Foreign Principals

Section 5 of the bill creates s. 692.202, F.S., to prohibit the purchase of agricultural land by foreign principals.

The bill provides that a foreign principal may not directly or indirectly own or acquire by purchase, grant, devise, or descent agricultural land or any interest in such land in the state. This prohibition does not apply to a foreign principal that acquires agricultural land for a diplomatic purpose that is recognized, acknowledged, or allowed by the Federal Government.

A foreign principal that directly or indirectly owns or acquires agricultural land or any interest in such land in the state before July 1, 2023:

- May continue to own or hold such land or interest, but may not purchase or otherwise acquire by grant, devise, or descent any additional agricultural land or interest in such land in the state.
- Must register with the Department of Agriculture and Consumer Services by January 1, 2024. The department must establish a form for such registration, which, at minimum, must include all of the following:
 - The name of the owner of the agricultural land or the owner of the interest in such land.
 - The address of the agricultural land, the property appraiser’s parcel identification number, and the property’s legal description.
 - The number of acres of the agricultural land.

A foreign principal that fails to timely file a registration with the department is subject to a civil penalty of \$1,000 for each day that the registration is late. The department may place a lien against the unregistered agricultural land for the unpaid balance of any penalties assessed under the new statute.

The bill clarifies that notwithstanding the general prohibition in the bill, a foreign principal can still acquire agricultural land on or after July 1, 2023, by devise or descent, through the enforcement of security interests, or through the collection of debts, but must sell, transfer, or otherwise divest itself of the agricultural land within 2 years after acquiring the agricultural land.

At the time of purchase, a buyer of agricultural land, or an interest in such land, must provide an affidavit signed under penalty of perjury attesting that the buyer is not a foreign principal and is in compliance with the new statute. The failure to obtain or maintain the affidavit does not affect the title or insurability of the title for the agricultural land or subject the closing agent to civil or criminal liability, except for liability under the law criminalizing perjury, unless the closing agent has actual knowledge that the transaction will result in a violation of the new statute. The

⁵⁹ 10 U.S.C. s. 2801(c)(4).

⁶⁰ See s. 250.01(5), F.S. (defining an “armory” as a building or group of buildings used primarily for housing and training troops or for storing military property, supplies, or records).

Florida Real Estate Commission must adopt rules to implement this provision, including rules establishing the form for the affidavit required under this provision.

The bill provides that an agricultural land, or any interest in such land, that is owned or acquired in violation of the new statute may be forfeited to the state. In connection with such forfeitures, the bill provides:

- The Department of Agriculture and Consumer Services may initiate a civil action in the circuit court of the county in which the property lies.
- Upon filing such action, the clerk must record a lis pendens in accordance with state law.⁶¹ The court must advance the cause on the calendar. The defendant may at any time petition to modify or discharge the lis pendens based upon a finding that there is no probable cause to believe that the agricultural land, or any portion thereof, is owned or held in violation of the new statute.
- If the court finds that the agricultural land, or any portion thereof, is owned or held in violation of the new statute, the court must enter a final judgment of forfeiture vesting title to the agricultural land in the state, subject only to the rights and interests of bona fide lienholders, and such final judgment relates back to the date of the lis pendens.
- The department may sell the agricultural land subject to a final judgment of forfeiture. Any proceeds from the sale must first be paid to any lienholders of the land, followed by payment of any outstanding fines assessed pursuant to the new statute, after which the department must be reimbursed for all costs related to the forfeiture civil action and any costs related to the sale of the land. Any remaining proceeds must be paid to the property owner.
- At any time during the forfeiture proceeding the department may seek an ex parte order of seizure of the agricultural land upon a showing that the defendant's control of the agricultural land constitutes a clear and present danger to the state.

The bill provides the following criminal penalties:

- A foreign principal that purchases or acquires agricultural land or any interest therein in violation of the new statute commits a misdemeanor of the second degree, punishable by a term of imprisonment not exceeding 60 days⁶² and a \$500 fine.⁶³
- A person who knowingly sells agricultural land or any interest therein in violation of the new statute commits a misdemeanor of the second degree, punishable by a term of imprisonment not exceeding 60 days⁶⁴ and a \$500 fine.⁶⁵

The bill also requires the Department of Agriculture and Consumer Services to adopt rules to implement the new statute.

Purchase of Real Property around Military Installation and Critical Infrastructure Facilities by Foreign Principals

Section 6 of the bill creates s. 692.203, F.S., to prohibit the purchase of real property around military installations and critical infrastructure facilities by foreign principals.

⁶¹ See s. 48.23, F.S. (addressing the recordation of notices of lis pendens in particular circumstances).

⁶² Section 775.082(4)(b), F.S.

⁶³ Section 775.083(1)(e), F.S.

⁶⁴ Section 775.082(4)(b), F.S.

⁶⁵ Section 775.083(1)(e), F.S.

The bill provides that a foreign principal may not directly or indirectly own or acquire by purchase, grant, devise, or descent any interest in real property within 20 miles of any military installation or critical infrastructure facility in the state. This prohibition does not apply to a foreign principal that acquires real property for a diplomatic purpose that is recognized, acknowledged, or allowed by the Federal Government.

A foreign principal that directly or indirectly owns or acquires any interest in real property within 20 miles of any military installation or critical infrastructure facility in the state before July 1, 2023, may continue to own or hold such real property, but may not purchase or otherwise acquire by grant, devise, or descent any additional real property within 20 miles of any military installation or critical infrastructure facility in the state.

The bill provides that a foreign principal that owns or acquires real property within 20 miles of any military installation or critical infrastructure facility in the state before July 1, 2023, must register with the Department of Economic Opportunity by January 1, 2024. The department must establish a form for such registration which, at a minimum, must include all of the following:

- The name of the owner of the real property.
- The address of the real property, the property appraiser's parcel identification number, and the property's legal description.

A foreign principal that fails to timely file a registration with the department is subject to a civil penalty of \$1,000 for each day that the registration is late. The department may place a lien against the unregistered real property for the unpaid balance of any penalties assessed under this provision.

The bill clarifies that notwithstanding the general prohibition in the bill, a foreign principal can still acquire real property, or any interest therein, which is within 20 miles of any military installation or critical infrastructure facility in the state on or after July 1, 2023, by devise or descent, through the enforcement of security interests, or through the collection of debts, but must sell, transfer, or otherwise divest itself of such real property within 2 years after acquiring the real property.

At the time of purchase, a buyer of real property that is located within 20 miles of any military installation or critical infrastructure facility in the state must provide an affidavit signed under penalty of perjury attesting that the buyer is not a foreign principal and is in compliance with the new statute. The failure to obtain or maintain the affidavit does not affect the title or insurability of the title for the real property or subject the closing agent to civil or criminal liability, except for liability under the law criminalizing perjury, unless the closing agent has actual knowledge that the transaction will result in a violation of the new statute. The Florida Real Estate Commission must adopt rules to implement this provision, including rules establishing the form for the affidavit required under this provision.

The bill provides that if any real property is owned or acquired in violation of the new statute, it may be forfeited to the state. In connection with such forfeitures, the bill provides:

- The Department of Economic Opportunity may initiate a civil action in the circuit court of the county in which the property lies for the forfeiture of the real property or any interest therein.

- Upon filing such action, the clerk must record a lis pendens in accordance with state law.⁶⁶ The court must advance the cause on the calendar. The defendant may at any time petition to modify or discharge the lis pendens based upon a finding that there is no probable cause to believe that the real property, or any portion thereof, is owned or held in violation of the new statute.
- If the court finds that the real property, or any portion thereof, is owned or held in violation of the new statute, the court must enter a final judgment of forfeiture vesting title to the real property in the state, subject only to the rights and interests of bona fide lienholders, and such final judgment relates back to the date of the lis pendens.
- The department may sell the real property subject to a final judgment of forfeiture. Any proceeds from the sale must first be paid to any lienholders of the land, followed by payment of any outstanding fines assessed pursuant to the new statute, after which the department must be reimbursed for all costs related to the forfeiture civil action and any costs related to the sale of the land. Any remaining proceeds must be paid to the property owner.
- At any time during the forfeiture proceeding the department may seek an ex parte order of seizure of the real property upon a showing that the defendant's control of the real property constitutes a clear and present danger to the state.

The bill provides the following criminal penalties:

- A foreign principal that purchases or acquires real property or any interest therein in violation of the new statute commits a misdemeanor of the second degree, punishable by a term of imprisonment not exceeding 60 days⁶⁷ and a \$500 fine.⁶⁸
- A person who knowingly sells real property or any interest therein in violation of this section commits a misdemeanor of the second degree, punishable by a term of imprisonment not exceeding 60 days⁶⁹ and a \$500 fine.⁷⁰

The bill also requires the Department of Economic Opportunity to adopt rules to implement the new statute.

Purchase or Acquisition of Real Property by the People's Republic of China

Section 7 of the bill creates s. 692.204, F.S., to prohibit the purchase or acquisition of real property by the People's Republic of China.

The bill prohibits the following persons or entities from directly or indirectly owning or acquiring by purchase, grant, devise, or descent any interest in real property in the state:

- The People's Republic of China, the Chinese Communist Party, or any official or member of the People's Republic of China or the Chinese Communist Party.
- Any other political party or member of a political party or a subdivision of a political party in the People's Republic of China.

⁶⁶ See s. 48.23, F.S. (addressing the recordation of notices of lis pendens in particular circumstances).

⁶⁷ Section 775.082(4)(b), F.S.

⁶⁸ Section 775.083(1)(e), F.S.

⁶⁹ Section 775.082(4)(b), F.S.

⁷⁰ Section 775.083(1)(e), F.S.

- A partnership, an association, a corporation, an organization, or any other combination of persons organized under the laws of or having its principal place of business in the People's Republic of China, or a subsidiary of such entity.
- Any person who is domiciled in the People's Republic of China and who is not a citizen or lawful permanent resident of the U.S.

This prohibition does not apply to a person or entity of the People's Republic of China that acquires real property for a diplomatic purpose that is recognized, acknowledged, or allowed by the Federal Government.

Any person or entity described above that directly or indirectly owns or acquires any interest in real property in the state before July 1, 2023, may continue to own or hold such real property, but may not purchase or otherwise acquire by grant, devise, or descent any additional real property in the state.

The bill provides that any person or entity described above that owns or acquires real property in the state before July 1, 2023, must register with the Department of Economic Opportunity by January 1, 2024. The department must establish a form for such registration which, at a minimum, must include all of the following:

- The name of the owner of the real property.
- The address of the real property, the property appraiser's parcel identification number, and the property's legal description.

A person or entity that fails to timely file a registration with the department is subject to a civil penalty of \$1,000 for each day that the registration is late. The department may place a lien against the unregistered real property for the unpaid balance of any penalties assessed under this paragraph.

The bill clarifies that notwithstanding the general prohibition in the bill, a Chinese person or entity can still acquire real property in the state on or after July 1, 2023, by devise or descent, through the enforcement of security interests, or through the collection of debts, but must sell, transfer, or otherwise divest itself of such real property within 2 years after acquiring the real property unless the person or entity acquired the real property for a diplomatic purpose that is recognized, acknowledged, or allowed by the Federal Government.

At the time of purchase, a buyer of real property in the state must provide an affidavit signed under penalty of perjury attesting that the buyer is not one of the Chinese entities or persons prohibited from owning or acquiring any interest in real property in the state and is in compliance with the new statute. The failure to obtain or maintain the affidavit does not affect the title or insurability of the title for the real property or subject the closing agent to civil or criminal liability, except for liability under the law criminalizing perjury, unless the closing agent has actual knowledge that the transaction will result in a violation of the new statute. The Florida Real Estate Commission must adopt rules to implement this subsection, including rules establishing the form for the affidavit required under this subsection.

The bill provides that if any real property is owned or acquired in violation of the new statute, it may be forfeited to the state. In connection with such forfeitures, the bill provides:

- The Department of Economic Opportunity may initiate a civil action in the circuit court of the county in which the property lies for the forfeiture of the real property or any interest therein.
- Upon filing such action, the clerk must record a lis pendens in accordance with state law.⁷¹ The court must advance the cause on the calendar. The defendant may at any time petition to modify or discharge the lis pendens based upon a finding that there is no probable cause to believe that the real property, or any portion thereof, is owned or held in violation of the new statute.
- If the court finds that the real property, or any portion thereof, is owned or held in violation of the new statute, the court must enter a final judgment of forfeiture vesting title to the real property in the state, subject only to the rights and interests of bona fide lienholders, and such final judgment relates back to the date of the lis pendens.
- The department may sell the real property subject to a final judgment of forfeiture. Any proceeds from the sale must first be paid to any lienholders of the land, followed by payment of any outstanding fines assessed pursuant to the new statute, after which the department must be reimbursed for all costs related to the forfeiture civil action and any costs related to the sale of the land. Any remaining proceeds must be paid to the property owner.
- At any time during the forfeiture proceeding the department may seek an ex parte order of seizure of the real property upon a showing that the defendant's control of the real property constitutes a clear and present danger to the state.

The bill provides the following criminal penalties:

- A violation of this section constitutes a felony of the third degree, punishable by a term of imprisonment not exceeding 5 years⁷² and a \$5,000 fine,⁷³ or possibly more under the habitual offender statute.⁷⁴
- A person who sells real property or any interest therein in violation of the new statute commits a misdemeanor of the first degree, punishable by a term of imprisonment not exceeding 1 year⁷⁵ and a \$1,000 fine.⁷⁶

The bill also requires the Department of Economic Opportunity to adopt rules to implement the new statute.

Amendments to the Florida Electronic Health Records Act

Section 8 of the bill amends s. 408.051, F.S., the Florida Electronic Health Records Exchange Act (Act), by adding two definitions and by requiring that the offsite storage of certain personal medical information be physically maintained in the continental U.S., U.S. territories, or Canada.

First, for purposes of the Act, the bill incorporates the definition for “cloud computing” found in chapter 282, part I, F.S., which governs information technology management. That definition⁷⁷

⁷¹ See s. 48.23, F.S. (addressing the recordation of notices of lis pendens in particular circumstances).

⁷² Section 775.082(3)(e), F.S.

⁷³ Section 775.083(1)(c), F.S.

⁷⁴ See generally s. 775.084, F.S. (providing heightened punishments for habitual offenders).

⁷⁵ Section 775.082(4)(a), F.S.

⁷⁶ Section 775.083(1)(d), F.S.

⁷⁷ Section 282.0041(5), F.S.

provides that cloud computing has the same meaning as provided in Special Publication 800-145 issued by the National Institute of Standards and Technology, which reads as follows:

Cloud computing is a model for enabling ubiquitous, convenient, on-demand network access to a shared pool of configurable computing resources (e.g., networks, servers, storage, applications, and services) that can be rapidly provisioned and released with minimal management effort or service provider interaction. This cloud model is composed of five essential characteristics, three service models, and four deployment models.⁷⁸

Second, for purposes of the Act, the bill defines the term “health care provider” as including all of the following:

- Any provider as defined in the Health Care Licensing Procedures Act;⁷⁹
- Any health care practitioner as defined in chapter 456, F.S., which governs health professions and occupations;⁸⁰
- Any health care professional certified under the Radiological Personnel Certification Act;⁸¹
- Any home health aide as defined in the Home Health Services Act;⁸²
- Any service provider as defined in the Florida Mental Health Act,⁸³ and the service provider’s clinical and nonclinical staff who provide inpatient or outpatient services;
- Any licensed continuing care facility;⁸⁴ and
- Any pharmacy permitted under the Florida Pharmacy Act.⁸⁵

Third, the bill amends the Act to provide that in addition to complying with certain federal standards regulating the privacy of individually identifiable health information,⁸⁶ a health care provider that utilizes certified electronic health record technology must ensure that all patient information stored in an offsite physical or virtual environment, including through a third-party or subcontracted computing facility or an entity providing cloud computing services, is

⁷⁸ U.S. Department of Commerce, National Institute of Standards and Technology, *Special Publication 800-145 (The NIST Definition of Cloud Computing)* (Sept. 2011), available at <https://nvlpubs.nist.gov/nistpubs/Legacy/SP/nistspecialpublication800-145.pdf> (also identifying the referenced five essential characteristics, three service models, and four deployment models) (footnotes omitted).

⁷⁹ See s. 408.803(12), F.S. (defining “provider” as any activity, service, agency, or facility regulated by Agency for Health Care Administration and listed in s. 408.802, F.S.).

⁸⁰ See s. 456.001(4), F.S. (defining “health care practitioner” as any person licensed under one of the listed statutes).

⁸¹ Chapter 468, part IV, F.S.

⁸² See s. 400.462, F.S. (defining “home health aide” as a person who is trained or qualified, as provided by rule, and who provides hands-on personal care, performs simple procedures as an extension of therapy or nursing services, assists in ambulation or exercises, assists in administering medications as permitted in rule and for which the person has received training established by the agency under part III (regulating home health services), or performs tasks delegated to him or her under ch. 464, F.S. (regulating nursing)).

⁸³ See s. 394.455(45), F.S. (defining “service provider” as a receiving facility, a facility licensed under ch. 397, F.S. (governing substance abuse services), a treatment facility, an entity under contract with the department to provide mental health or substance abuse services, a community mental health center or clinic, a psychologist, a clinical social worker, a marriage and family therapist, a mental health counselor, a physician, a psychiatrist, an advanced practice registered nurse, a psychiatric nurse, or a qualified professional as defined in s. 39.01, F.S. (referencing licensed physicians, physician assistants, psychiatrists, psychologists, and psychiatric nurses)).

⁸⁴ See ch. 651, F.S. (governing continuing care contracts).

⁸⁵ Chapter 465, F.S.

⁸⁶ 45 C.F.R. pts. 160 and 164 (subparts A and C).

physically maintained in the continental U.S., U.S. territories, or Canada. The bill applies this provision to all qualified electronic health records that are stored using any technology that can allow information to be electronically retrieved, accessed, or transmitted.

Amendments to the Health Care Licensing Procedures Act

Section 9 of the bill amends s. 408.810, F.S., which provides certain minimum licensure requirements for health care providers.⁸⁷

The bill provides that a licensee must sign an affidavit at the time of his or her initial application for a license, and on any renewal applications thereafter, that attests under penalty of perjury that he or she is in compliance with the bill, specifically the requirement in the bill that health care providers using certified electronic health record technology ensure that all patient information stored in an offsite physical or virtual environment is physically maintained in the continental U.S., U.S. territories, or Canada. The licensee must remain in compliance with this requirement or be subject to disciplinary action by the agency.

The licensee must also ensure that a person or entity who possesses a controlling interest in the licensee does not also hold, either directly or indirectly, regardless of ownership structure, an interest in an entity that has a business relationship with a foreign country of concern or that is subject to the statute prohibiting contracting with scrutinized companies.⁸⁸

For purposes of this provision, the bill defines the following terms:

- “Business relationship” means engaging in commerce in any form, including, but not limited to, acquiring, developing, maintaining, owning, selling, possessing, leasing, or operating equipment, facilities, personnel, products, services, personal property, real property, military equipment, or any other apparatus of business or commerce.
- “Foreign country of concern” has the same meaning as provided earlier in the bill.⁸⁹
- Having an “interest” in an entity means having any direct or indirect investment in or loan to the entity valued at 5 percent or more of the entity’s net worth, or any form of direct or indirect control exerting similar or greater influence on the governance of the entity.⁹⁰

Amendments to the Statute Criminalizing Threats and Extortion

Section 10 of the bill amends s. 836.05, F.S., which criminalizes threats and extortion, to provide that a person who commits a violation of the statute and at the time of the violation is acting as a foreign agent as defined in state law,⁹¹ with the intent of benefitting a foreign country of concern as defined earlier in the bill,⁹² commits a felony of the first degree, punishable by a term of

⁸⁷ See *supra* note 79 (defining providers); see also s. 408.802, F.S. (listing regulated providers).

⁸⁸ Section 287.135, F.S.

⁸⁹ See s. 4 of the bill (creating s. 692.201(3), F.S., which defines “foreign country of concern”).

⁹⁰ See s. 286.101(1), F.S. (defining “interest”).

⁹¹ See s. 812.081(1)(b), F.S. (defining “foreign agent” as any officer, employee, proxy, servant, delegate, or representative of a foreign government).

⁹² See s. 4 of the bill (creating s. 692.201(3), F.S., which defines “foreign country of concern”).

imprisonment of not exceeding 30 years⁹³ and a \$10,000 fine,⁹⁴ or possibly more under the habitual offender statute.⁹⁵

Effective Date

The bill takes effect on July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

A state's power to apply its law exclusively to its alien inhabitants as a class is confined to narrow limits. However, each state, in the absence of any treaty provision to the contrary, may deny to aliens the right to own land within its border.⁹⁶

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Under the bill, governmental entities are prohibited from knowingly entering into contracts for an economic incentive with a foreign entity. Accordingly, foreign entities

⁹³ Section 775.082(3)(b)1., F.S.

⁹⁴ Section 775.083(1)(b), F.S.

⁹⁵ See generally s. 775.084, F.S. (providing heightened punishments for habitual offenders).

⁹⁶ See *Graham v. Ramani*, 383 So. 2d 634, 635 (Fla. 1980) (recognizing that the U.S. Supreme Court has upheld statutes denying aliens the right to acquire land and citing in support *Terrace v. Thompson*, 263 U.S. 197 (1923); *Terrace* upheld a state of Washington statute prohibiting the ownership of land within the state by nondeclarant aliens, finding that the “privilege of owning or controlling agricultural land within the state” and the “allegiance of those who own, occupy and use the farm lands within its borders are matters of highest importance and affect the safety and power of the state itself” (*id.* at 221)).

(as defined in the bill) will no longer be able to avail themselves of such economic incentives in connection with their projects.

The bill provides that foreign principals who acquired agricultural land or land within 20 miles of a military installation or critical infrastructure facility before July 1, 2023 may continue to own those lands, but may not expand upon their ownership after that date. Similarly, Chinese businesses, and persons who are domiciled in China and not citizens or lawful permanent residents of the U.S., who acquired real property before July 1, 2023 may continue to own those lands, but may not expand upon their ownership after that date. To the extent any of these foreign principals, businesses, or persons' business plans assumed future expansions of land ownership, those plans will be negatively impacted by the bill.

The bill requires health care providers that use certified electronic health care technology to ensure that all patient information stored in an offsite physical or virtual environment, including through a third-party or subcontracted facility or an entity providing cloud computing services, is maintained in the continental U.S., U.S. territories, or Canada. To the extent such patient information is not already maintained in one of those locations, health care providers will incur costs moving that information into one of them.

C. Government Sector Impact:

Under the bill, governmental entities may not contract with entities of foreign countries of concern. To the extent contracting with entities of foreign countries of concern might have resulted in more favorable contractual terms than contracting with other entities, governmental entities will be negatively impacted by the bill.

The bill authorizes the Attorney General, Department of Agriculture and Consumer Services, and the Department of Economic Opportunity to enforce certain affidavit preparation and property forfeiture provisions in the bill. Additionally, the bill requires the Department of Management Services, the Florida Real Estate Commission, and the Department of Economic Opportunity to adopt rules to implement various provisions of the bill. Although these state agencies will incur costs associated with these efforts, it is anticipated that they will be minimal and absorbed by their existing budget allocations.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates the following sections of the Florida Statutes: 287.138, 288.007, 692.201, 692.202, 692.203, and 692.204.

This bill substantially amends the following sections of the Florida Statutes: 408.051, 408.810, and 836.05.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS by Rules on March 22, 2023:

- Revises the definition of “foreign principal,” and the category of Chinese persons and entities that are prohibited from owning or acquiring protected lands in the state, to exclude any persons who are lawful permanent residents of the U.S.
- Revises the requirement that health care providers store offsite patient information only within the continental U.S., by expanding it to also allow for such storage within U.S. territories and Canada.
- Clarifies that it is the buyer who must attest in the affidavit to not being a foreign principal and to otherwise comply with the new statute.
- Provides that the failure to obtain or maintain the affidavit does not subject the closing agent to civil or criminal liability, except for liability under the law criminalizing perjury, unless the closing agent has actual knowledge that the transaction will result in a violation of the new statute.

CS by Judiciary on March 14, 2023:

- Revises the definitions of “foreign entity” and “foreign principal,” and the category of Chinese persons and entities that are prohibited from owning or acquiring protected lands in the state, to include the subsidiaries of those entities.
- Clarifies that notwithstanding the general prohibitions in the bill, foreign principals and Chinese persons and entities may still acquire protected lands on or after the effective date, but must divest themselves of those lands within 2 years unless a diplomatic exemption applies.

B. Amendments:

None.

EXHIBIT 42

By the Committees on Rules; and Judiciary; and Senators Collins and Avila

595-02897A-23

2023264c2

1 A bill to be entitled
2 An act relating to interests of foreign countries;
3 creating s. 287.138, F.S.; defining terms; prohibiting
4 governmental entities from knowingly entering into
5 certain contracts; prohibiting governmental entities
6 from taking specified actions after a specified date
7 relating to contracts that give certain access to
8 personal identifying information; providing an
9 exception; authorizing the Attorney General to bring a
10 civil action; providing penalties; requiring penalties
11 to be deposited into the General Revenue Fund;
12 requiring the Department of Management Services to
13 adopt rules; creating s. 288.007, F.S.; defining
14 terms; prohibiting governmental entities from
15 knowingly entering into certain contracts; requiring
16 governmental entities to require an affidavit from
17 applicants before providing any economic incentive;
18 requiring the Department of Economic Opportunity to
19 adopt rules; providing a directive to the Division of
20 Law Revision to create part III of ch. 692, F.S., to
21 be entitled "Conveyances to Foreign Entities";
22 creating s. 692.201, F.S.; defining terms; creating
23 ss. 692.202 and 692.203, F.S.; prohibiting foreign
24 principals from purchasing agricultural land, or
25 interest in such land, and certain real property in
26 the state, respectively; authorizing foreign
27 principals to continue to own or hold such land or
28 property under certain circumstances; requiring
29 certain foreign principals that own or acquire such

595-02897A-23

2023264c2

30 land or real property to register with a specified
31 department; requiring the Department of Agriculture
32 and Consumer Services and the Department of Economic
33 Opportunity, respectively, to establish a form for
34 such registration; providing civil penalties;
35 authorizing the Department of Agriculture and Consumer
36 Services and the Department of Economic Opportunity to
37 place a lien against unregistered agricultural land or
38 real property, respectively; requiring certain foreign
39 principals to sell, transfer, or otherwise divest
40 themselves of certain agricultural land or real
41 property within a specified timeframe; requiring
42 buyers of such land or property to provide a signed
43 affidavit; specifying that the failure to maintain or
44 obtain the affidavit does not affect the title or
45 insurability of the title for the agricultural land or
46 real property, respectively, or subject the closing
47 agent to certain liability; authorizing the Florida
48 Real Estate Commission to adopt rules; authorizing
49 that certain agricultural land or real property be
50 forfeited to the state; authorizing the Department of
51 Agriculture and Consumer Services and the Department
52 of Economic Opportunity to initiate civil actions for
53 forfeiture of the interest in agricultural land or
54 real property, respectively; requiring that such
55 actions be filed in a certain circuit court; requiring
56 clerks to record a lis pendens; requiring courts to
57 advance the cause on the calendar; authorizing
58 defendants to petition to modify or discharge the lis

595-02897A-23

2023264c2

59 pendens; requiring the court to enter a specified
60 final judgment under certain circumstances;
61 authorizing the Department of Agriculture and Consumer
62 Services and the Department of Economic Opportunity,
63 respectively, to sell the agricultural land or real
64 property; providing requirements for the proceeds from
65 such sale; authorizing the Department of Agriculture
66 and Consumer Services and the Department of Economic
67 Opportunity, respectively, to seek a specified ex
68 parte order; providing criminal penalties; requiring
69 the Department of Agriculture and Consumer Services
70 and the Department of Economic Opportunity,
71 respectively, to adopt rules; creating s. 692.204,
72 F.S.; prohibiting the People's Republic of China, the
73 Chinese Communist Party, any other political party or
74 member of a political party in the People's Republic
75 of China, and certain persons and entities from
76 purchasing or acquiring real property in the state;
77 providing an exception; authorizing such persons and
78 entities to continue to own or hold such real property
79 under certain circumstances; requiring certain persons
80 or entities that own or acquire real property in the
81 state to register with the Department of Economic
82 Opportunity by a specified date; requiring the
83 Department of Economic Opportunity to establish a form
84 for such registration; providing civil penalties;
85 authorizing the Department of Economic Opportunity to
86 place a lien against unregistered real property;
87 requiring certain persons and entities to sell,

595-02897A-23

2023264c2

88 transfer, or otherwise divest themselves of certain
89 real property within a specified timeframe; requiring
90 buyers of real property to provide a signed affidavit;
91 specifying that the failure to maintain or obtain the
92 affidavit does not affect the title or insurability of
93 the title for the real property or subject the closing
94 agent to certain liability; authorizing the commission
95 to adopt rules; authorizing certain real property to
96 be forfeited to the state; authorizing the Department
97 of Economic Opportunity to initiate civil actions for
98 forfeiture of the interest in real property; requiring
99 such actions to be filed in a certain circuit court;
100 requiring clerks to record a lis pendens; requiring
101 courts to advance the cause on the calendar;
102 authorizing defendants to petition to modify or
103 discharge the lis pendens; requiring the court to
104 enter a specified final judgment under certain
105 circumstances; authorizing the Department of Economic
106 Opportunity to sell the real property; providing
107 requirements for the proceeds from such sale;
108 authorizing the Department of Economic Opportunity to
109 seek a specified ex parte order; providing criminal
110 penalties; requiring the Department of Economic
111 Opportunity to adopt rules; amending s. 408.051, F.S.;
112 defining the terms "cloud computing" and "health care
113 provider"; requiring that certain information held by
114 health care providers that utilize certified
115 electronic health record technology be maintained in
116 specified locations; providing applicability; amending

595-02897A-23

2023264c2

117 s. 408.810, F.S.; requiring a licensee to sign a
118 specified affidavit upon initial application for a
119 license and any renewal applications; authorizing
120 disciplinary action by the Agency for Health Care
121 Administration; prohibiting a person or entity that
122 possesses a controlling interest from holding an
123 interest in certain entities; providing definitions;
124 amending s. 836.05, F.S.; providing enhanced criminal
125 penalties for threatening a person while acting as a
126 foreign agent with the intent of benefiting a foreign
127 country of concern; providing an effective date.

128
129 Be It Enacted by the Legislature of the State of Florida:

130
131 Section 1. Section 287.138, Florida Statutes, is created to
132 read:

133 287.138 Contracting with entities of foreign countries of
134 concern prohibited.—

135 (1) As used in this section, the term:

136 (a) "Controlling interest" means possession of the power to
137 direct or cause the direction of the management or policies of a
138 company, whether through ownership of securities, by contract,
139 or otherwise. A person or entity that directly or indirectly has
140 the right to vote 25 percent or more of the voting interests of
141 the company or is entitled to 25 percent or more of its profits
142 is presumed to possess a controlling interest.

143 (b) "Department" means the Department of Management
144 Services.

145 (c) "Foreign country of concern" means the People's

595-02897A-23

2023264c2

146 Republic of China, the Russian Federation, the Islamic Republic
147 of Iran, the Democratic People's Republic of Korea, the Republic
148 of Cuba, the Venezuelan regime of Nicolás Maduro, or the Syrian
149 Arab Republic, including any agency of or any other entity of
150 significant control of such foreign country of concern.

151 (d) "Governmental entity" means any state, county,
152 district, authority, or municipal officer, department, division,
153 board, bureau, commission, or other separate unit of government
154 created or established by law including, but not limited to, the
155 Commission on Ethics, the Public Service Commission, the Office
156 of Public Counsel, and any other public or private agency,
157 person, partnership, corporation, or business entity acting on
158 behalf of any public agency.

159 (2) A governmental entity may not knowingly enter into a
160 contract with an entity which would give access to an
161 individual's personal identifying information if:

162 (a) The entity is owned by the government of a foreign
163 country of concern;

164 (b) The government of a foreign country of concern has a
165 controlling interest in the entity; or

166 (c) The entity is organized under the laws of or has its
167 principal place of business in a foreign country of concern.

168 (3) Beginning July 1, 2025, a governmental entity may not
169 extend or renew a contract with an entity listed in paragraphs
170 (2) (a)-(c) if the contract would give such entity access to an
171 individual's personal identifying information.

172 (4) (a) Beginning January 1, 2024, a governmental entity may
173 not accept a bid on, a proposal for, or a reply to, or enter
174 into, a contract with an entity which would grant the entity

595-02897A-23

2023264c2

175 access to an individual's personal identifying information
176 unless the entity provides the governmental entity with an
177 affidavit signed by an officer or representative of the entity
178 under penalty of perjury attesting that the entity does not meet
179 any of the criteria in paragraphs (2) (a)-(c).

180 (b) Beginning July 1, 2025, when an entity extends or
181 renews a contract with a governmental entity which would grant
182 the entity access to an individual's personal identifying
183 information, the entity must provide the governmental entity
184 with an affidavit signed by an officer or representative of the
185 entity under penalty of perjury attesting that the entity does
186 not meet any of the criteria in paragraphs (2) (a)-(c).

187 (5) The Attorney General may bring a civil action in any
188 court of competent jurisdiction against an entity that violates
189 this section. Violations of this section may result in:

190 (a) A civil penalty equal to twice the amount of the
191 contract for which the entity submitted a bid or proposal for,
192 replied to, or entered into;

193 (b) Ineligibility to enter into, renew, or extend any
194 contract, including any grant agreements, with any governmental
195 entity for up to 5 years;

196 (c) Ineligibility to receive or renew any license,
197 certification, or credential issued by a governmental entity for
198 up to 5 years; and

199 (d) Placement on the suspended vendor list pursuant to s.
200 287.1351.

201 (6) Any penalties collected under subsection (5) must be
202 deposited into the General Revenue Fund.

203 (7) The department shall adopt rules to implement this

595-02897A-23

2023264c2

204 section, including rules establishing the form for the affidavit
205 required under subsection (4).

206 Section 2. Section 288.007, Florida Statutes, is created to
207 read:

208 288.007 Economic incentives to foreign countries of concern
209 prohibited.—

210 (1) As used in this section, the term:

211 (a) "Controlled by" means having possession of the power to
212 direct or cause the direction of the management or policies of a
213 company, whether through ownership of securities, by contract,
214 or otherwise. A person or entity that directly or indirectly has
215 the right to vote 25 percent or more of the voting interests of
216 the company or that is entitled to 25 percent or more of its
217 profits is presumed to control the foreign entity.

218 (b) "Economic incentive" means all programs administered
219 by, or for which an applicant for the program must seek
220 certification, approval, or other action by, the department
221 under this chapter, chapter 212, or chapter 220; and all local
222 economic development programs, grants, or financial benefits
223 administered by a political subdivision or an agent thereof.

224 (c) "Foreign country of concern" has the same meaning as in
225 s. 692.201.

226 (d) "Foreign entity" means an entity that is:

227 1. Owned or controlled by the government of a foreign
228 country of concern; or

229 2. A partnership, association, corporation, organization,
230 or other combination of persons organized under the laws of or
231 having its principal place of business in a foreign country of
232 concern, or a subsidiary of such entity.

595-02897A-23

2023264c2

233 (e) "Government entity" means a state agency, a political
234 subdivision, or any other public or private agency, person,
235 partnership, corporation, or business entity acting on behalf of
236 any public agency.

237 (2) A government entity may not knowingly enter into an
238 agreement or contract for an economic incentive with a foreign
239 entity.

240 (3) Before providing any economic incentive, a government
241 entity must require the recipient or applicant to provide the
242 government entity with an affidavit signed under penalty of
243 perjury attesting that the recipient or applicant is not a
244 foreign entity.

245 (4) The department shall adopt rules to administer this
246 section, including rules establishing the form for the affidavit
247 required under subsection (3).

248 Section 3. The Division of Law Revision is directed to
249 create part III of chapter 692, Florida Statutes, consisting of
250 ss. 692.201, 692.202, 692.203, and 692.204, Florida Statutes, to
251 be entitled "Conveyances to Foreign Entities."

252 Section 4. Section 692.201, Florida Statutes, is created to
253 read:

254 692.201 Definitions.—As used in this part, the term:

255 (1) "Agricultural land" means land classified as
256 agricultural under s. 193.461.

257 (2) "Critical infrastructure facility" means any of the
258 following, if it employs measures such as fences, barriers, or
259 guard posts that are designed to exclude unauthorized persons:

260 (a) A chemical manufacturing facility.

261 (b) A refinery.

595-02897A-23

2023264c2

262 (c) An electrical power plant as defined in s. 403.031(20),
263 including a substation, switching station, electrical control
264 center, or electric transmission or distribution facility.

265 (d) A water intake structure, water treatment facility,
266 wastewater treatment plant, or pump station.

267 (e) A natural gas transmission compressor station.

268 (f) A liquid natural gas terminal or storage facility.

269 (g) A telecommunications central switching office.

270 (h) An inland port or other facility or group of facilities
271 serving as a point of intermodal transfer of freight in a
272 specific area physically separated from a seaport.

273 (i) A gas processing plant, including a plant used in the
274 processing, treatment, or fractionation of natural gas.

275 (j) A seaport as listed in s. 311.09.

276 (k) A spaceport territory as defined in s. 331.303(18).

277 (3) "Foreign country of concern" means the People's
278 Republic of China, the Russian Federation, the Islamic Republic
279 of Iran, the Democratic People's Republic of Korea, the Republic
280 of Cuba, the Venezuelan regime of Nicolás Maduro, or the Syrian
281 Arab Republic, including any agency of or any other entity of
282 significant control of such foreign country of concern.

283 (4) "Foreign principal" means:

284 (a) The government or any official of the government of a
285 foreign country of concern;

286 (b) A political party or member of a political party or any
287 subdivision of a political party in a foreign country of
288 concern;

289 (c) A partnership, association, corporation, organization,
290 or other combination of persons organized under the laws of or

595-02897A-23

2023264c2

291 having its principal place of business in a foreign country of
292 concern, or a subsidiary of such entity;

293 (d) Any person who is domiciled in a foreign country of
294 concern and is not a citizen or lawful permanent resident of the
295 United States.

296 (5) "Military installation" has the same meaning as in 10
297 U.S.C. s. 2801(c)(4) and includes an armory as defined in s.
298 250.01.

299 (6) "Real property" means land, buildings, fixtures, and
300 all other improvements to land.

301 Section 5. Section 692.202, Florida Statutes, is created to
302 read:

303 692.202 Purchase of agricultural land by foreign principals
304 prohibited.-

305 (1) A foreign principal may not directly or indirectly own
306 or acquire by purchase, grant, devise, or descent agricultural
307 land or any interest in such land in the state. This prohibition
308 does not apply to a foreign principal that acquires agricultural
309 land for a diplomatic purpose that is recognized, acknowledged,
310 or allowed by the Federal Government.

311 (2) A foreign principal that directly or indirectly owns or
312 acquires agricultural land or any interest in such land in the
313 state before July 1, 2023, may continue to own or hold such land
314 or interest, but may not purchase or otherwise acquire by grant,
315 devise, or descent any additional agricultural land or interest
316 in such land in the state.

317 (3) (a) A foreign principal that directly or indirectly owns
318 or acquires agricultural land or any interest in such land in
319 the state before July 1, 2023, must register with the Department

595-02897A-23

2023264c2

320 of Agriculture and Consumer Services by January 1, 2024. The
321 department must establish a form for such registration, which,
322 at minimum, must include all of the following:

323 1. The name of the owner of the agricultural land or the
324 owner of the interest in such land.

325 2. The address of the agricultural land, the property
326 appraiser's parcel identification number, and the property's
327 legal description.

328 3. The number of acres of the agricultural land.

329 (b) A foreign principal that fails to timely file a
330 registration with the department is subject to a civil penalty
331 of \$1,000 for each day that the registration is late. The
332 department may place a lien against the unregistered
333 agricultural land for the unpaid balance of any penalties
334 assessed under this paragraph.

335 (4) Notwithstanding subsection (1), a foreign principal may
336 acquire agricultural land on or after July 1, 2023, by devise or
337 descent, through the enforcement of security interests, or
338 through the collection of debts, provided that the foreign
339 principal sells, transfers, or otherwise divests itself of the
340 agricultural land within 2 years after acquiring the
341 agricultural land.

342 (5) (a) At the time of purchase, a buyer of agricultural
343 land or an interest in such land must provide an affidavit
344 signed under penalty of perjury attesting that the buyer is:

345 1. Not a foreign principal; and

346 2. In compliance with the requirements of this section.

347 (b) The failure to obtain or maintain the affidavit does
348 not:

595-02897A-23

2023264c2

349 1. Affect the title or insurability of the title for the
350 agricultural land; or

351 2. Subject the closing agent to civil or criminal liability
352 except for liability under chapter 837, unless the closing agent
353 has actual knowledge that the transaction will result in a
354 violation of this section.

355 (c) The Florida Real Estate Commission shall adopt rules to
356 implement this subsection, including rules establishing the form
357 for the affidavit required under this subsection.

358 (6) (a) The agricultural land or an interest in such land
359 that is owned or acquired in violation of this section may be
360 forfeited to the state.

361 (b) The Department of Agriculture and Consumer Services may
362 initiate a civil action in the circuit court of the county in
363 which the property lies for the forfeiture of the agricultural
364 land or any interest therein.

365 (c) Upon filing such action, the clerk must record a lis
366 pendens in accordance with s. 48.23. The court must advance the
367 cause on the calendar. The defendant may at any time petition to
368 modify or discharge the lis pendens based upon a finding that
369 there is no probable cause to believe that the agricultural
370 land, or any portion thereof, is owned or held in violation of
371 this section.

372 (d) If the court finds that the agricultural land, or any
373 portion thereof, is owned or held in violation of this section,
374 the court must enter a final judgment of forfeiture vesting
375 title to the agricultural land in the state, subject only to the
376 rights and interests of bona fide lienholders, and such final
377 judgment relates back to the date of the lis pendens.

595-02897A-23

2023264c2

378 (e) The department may sell the agricultural land subject
379 to a final judgment of forfeiture. Any proceeds from the sale
380 must first be paid to any lienholders of the land, followed by
381 payment of any outstanding fines assessed pursuant to this
382 section, after which the department must be reimbursed for all
383 costs related to the forfeiture civil action and any costs
384 related to the sale of the land. Any remaining proceeds must be
385 paid to the property owner.

386 (f) At any time during the forfeiture proceeding the
387 department may seek an ex parte order of seizure of the
388 agricultural land upon a showing that the defendant's control of
389 the agricultural land constitutes a clear and present danger to
390 the state.

391 (7) A foreign principal that purchases or acquires
392 agricultural land or any interest therein in violation of this
393 section commits a misdemeanor of the second degree, punishable
394 as provided in s. 775.082 or s. 775.083.

395 (8) A person who knowingly sells agricultural land or any
396 interest therein in violation of this section commits a
397 misdemeanor of the second degree, punishable as provided in s.
398 775.082 or s. 775.083.

399 (9) The Department of Agriculture and Consumer Services
400 shall adopt rules to implement this section.

401 Section 6. Section 692.203, Florida Statutes, is created to
402 read:

403 692.203 Purchase of real property around military
404 installations and critical infrastructure facilities by foreign
405 principals prohibited.-

406 (1) A foreign principal may not directly or indirectly own

595-02897A-23

2023264c2

407 or acquire by purchase, grant, devise, or descent any interest
408 in real property within 20 miles of any military installation or
409 critical infrastructure facility in the state. This prohibition
410 does not apply to a foreign principal that acquires real
411 property for a diplomatic purpose that is recognized,
412 acknowledged, or allowed by the Federal Government.

413 (2) A foreign principal that directly or indirectly owns or
414 acquires any interest in real property within 20 miles of any
415 military installation or critical infrastructure facility in the
416 state before July 1, 2023, may continue to own or hold such real
417 property, but may not purchase or otherwise acquire by grant,
418 devise, or descent any additional real property within 20 miles
419 of any military installation or critical infrastructure facility
420 in the state.

421 (3) (a) A foreign principal that owns or acquires real
422 property within 20 miles of any military installation or
423 critical infrastructure facility in the state before July 1,
424 2023, must register with the Department of Economic Opportunity
425 by January 1, 2024. The department must establish a form for
426 such registration which, at a minimum, must include all of the
427 following:

- 428 1. The name of the owner of the real property.
429 2. The address of the real property, the property
430 appraiser's parcel identification number, and the property's
431 legal description.

432 (b) A foreign principal that fails to timely file a
433 registration with the department is subject to a civil penalty
434 of \$1,000 for each day that the registration is late. The
435 department may place a lien against the unregistered real

595-02897A-23

2023264c2

436 property for the unpaid balance of any penalties assessed under
437 this paragraph.

438 (4) Notwithstanding subsection (1), a foreign principal may
439 acquire real property or any interest therein which is within 20
440 miles of any military installation or critical infrastructure
441 facility in the state on or after July 1, 2023, by devise or
442 descent, through the enforcement of security interests, or
443 through the collection of debts, provided that the foreign
444 principal sells, transfers, or otherwise divests itself of such
445 real property within 2 years after acquiring the real property.

446 (5) (a) At the time of purchase, a buyer of the real
447 property that is within 20 miles of any military installation or
448 critical infrastructure facility in this state must provide an
449 affidavit signed under penalty of perjury attesting that the
450 buyer is:

- 451 1. Not a foreign principal; and
452 2. In compliance with the requirements of this section.

453 (b) The failure to obtain or maintain the affidavit does
454 not:

- 455 1. Affect the title or insurability of the title for the
456 real property; or

457 2. Subject the closing agent to civil or criminal liability
458 except for liability under chapter 837, unless the closing agent
459 has actual knowledge that the transaction will result in a
460 violation of this section.

461 (c) The Florida Real Estate Commission shall adopt rules to
462 implement this subsection, including rules establishing the form
463 for the affidavit required under this subsection.

464 (6) (a) If any real property is owned or acquired in

595-02897A-23

2023264c2

465 violation of this section, the real property may be forfeited to
466 the state.

467 (b) The Department of Economic Opportunity may initiate a
468 civil action in the circuit court of the county in which the
469 property lies for the forfeiture of the real property or any
470 interest therein.

471 (c) Upon filing such action, the clerk must record a lis
472 pendens in accordance with s. 48.23. The court must advance the
473 cause on the calendar. The defendant may at any time petition to
474 modify or discharge the lis pendens based upon a finding that
475 there is no probable cause to believe that the real property, or
476 any portion thereof, is owned or held in violation of this
477 section.

478 (d) If the court finds that the real property, or any
479 portion thereof, is owned or held in violation of this section,
480 the court must enter a final judgment of forfeiture vesting
481 title to the real property in the state, subject only to the
482 rights and interests of bona fide lienholders, and such final
483 judgment relates back to the date of the lis pendens.

484 (e) The department may sell the real property subject to a
485 final judgment of forfeiture. Any proceeds from the sale must
486 first be paid to any lienholders of the land, followed by
487 payment of any outstanding fines assessed pursuant to this
488 section, after which the department must be reimbursed for all
489 costs related to the forfeiture civil action and any costs
490 related to the sale of the land. Any remaining proceeds must be
491 paid to the property owner.

492 (f) At any time during the forfeiture proceeding the
493 department may seek an ex parte order of seizure of the real

595-02897A-23

2023264c2

494 property upon a showing that the defendant's control of the real
495 property constitutes a clear and present danger to the state.

496 (7) A foreign principal that purchases or acquires real
497 property or any interest therein in violation of this section
498 commits a misdemeanor of the second degree, punishable as
499 provided in s. 775.082 or s. 775.083.

500 (8) A person who knowingly sells real property or any
501 interest therein in violation of this section commits a
502 misdemeanor of the second degree, punishable as provided in s.
503 775.082 or s. 775.083.

504 (9) The Department of Economic Opportunity shall adopt
505 rules to implement this section.

506 Section 7. Section 692.204, Florida Statutes, is created to
507 read:

508 692.204 Purchase or acquisition of real property by the
509 People's Republic of China prohibited.—

510 (1) (a) The following persons or entities may not directly
511 or indirectly own or acquire by purchase, grant, devise, or
512 descent any interest in real property in the state:

513 1. The People's Republic of China, the Chinese Communist
514 Party, or any official or member of the People's Republic of
515 China or the Chinese Communist Party.

516 2. Any other political party or member of a political party
517 or a subdivision of a political party in the People's Republic
518 of China.

519 3. A partnership, an association, a corporation, an
520 organization, or any other combination of persons organized
521 under the laws of or having its principal place of business in
522 the People's Republic of China, or a subsidiary of such entity.

595-02897A-23

2023264c2

523 4. Any person who is domiciled in the People's Republic of
524 China and who is not a citizen or lawful permanent resident of
525 the United States.

526 (b) Paragraph (a) does not apply to a person or entity of
527 the People's Republic of China that acquires real property for a
528 diplomatic purpose that is recognized, acknowledged, or allowed
529 by the Federal Government.

530 (2) A person or entity described in paragraph (1)(a) that
531 directly or indirectly owns or acquires any interest in real
532 property in the state before July 1, 2023, may continue to own
533 or hold such real property, but may not purchase or otherwise
534 acquire by grant, devise, or descent any additional real
535 property in the state.

536 (3)(a) A person or entity described in paragraph (1)(a)
537 that owns or acquires real property in the state before July 1,
538 2023, must register with the Department of Economic Opportunity
539 by January 1, 2024. The department must establish a form for
540 such registration which, at a minimum, must include all of the
541 following:

542 1. The name of the owner of the real property.

543 2. The address of the real property, the property
544 appraiser's parcel identification number, and the property's
545 legal description.

546 (b) A person or entity that fails to timely file a
547 registration with the department is subject to a civil penalty
548 of \$1,000 for each day that the registration is late. The
549 department may place a lien against the unregistered real
550 property for the unpaid balance of any penalties assessed under
551 this paragraph.

595-02897A-23

2023264c2

552 (4) Notwithstanding subsection (1), a person or an entity
553 described in paragraph (1) (a) may acquire real property in the
554 state on or after July 1, 2023, by devise or descent, through
555 the enforcement of security interests, or through the collection
556 of debts, provided that the person or entity sells, transfers,
557 or otherwise divests itself of such real property within 2 years
558 after acquiring the real property unless the person or entity is
559 exempt under paragraph (1) (b).

560 (5) (a) At the time of purchase, a buyer of real property in
561 the state must provide an affidavit signed under penalty of
562 perjury attesting that the buyer is:

563 1. Not a person or entity described in paragraph (1) (a);
564 and

565 2. In compliance with the requirements of this section.

566 (b) The failure to obtain or maintain the affidavit does
567 not:

568 1. Affect the title or insurability of the title for the
569 real property; or

570 2. Subject the closing agent to civil or criminal liability
571 except for liability under chapter 837, unless the closing agent
572 has actual knowledge that the transaction will result in a
573 violation of this section.

574 (c) The Florida Real Estate Commission shall adopt rules to
575 implement this subsection, including rules establishing the form
576 for the affidavit required under this subsection.

577 (6) (a) If any real property is owned or acquired in
578 violation of this section, the real property may be forfeited to
579 the state.

580 (b) The Department of Economic Opportunity may initiate a

595-02897A-23

2023264c2

581 civil action in the circuit court of the county in which the
582 property lies for the forfeiture of the real property or any
583 interest therein.

584 (c) Upon filing such action, the clerk must record a lis
585 pendens in accordance with s. 48.23. The court must advance the
586 cause on the calendar. The defendant may at any time petition to
587 modify or discharge the lis pendens based upon a finding that
588 there is no probable cause to believe that the real property, or
589 any portion thereof, is owned or held in violation of this
590 section.

591 (d) If the court finds that the real property, or any
592 portion thereof, is owned or held in violation of this section,
593 the court must enter a final judgment of forfeiture vesting
594 title to the real property in the state, subject only to the
595 rights and interests of bona fide lienholders, and such final
596 judgment relates back to the date of the lis pendens.

597 (e) The department may sell the real property subject to a
598 final judgment of forfeiture. Any proceeds from the sale must
599 first be paid to any lienholders of the land, followed by
600 payment of any outstanding fines assessed pursuant to this
601 section, after which the department must be reimbursed for all
602 costs related to the forfeiture civil action and any costs
603 related to the sale of the land. Any remaining proceeds must be
604 paid to the property owner.

605 (f) At any time during the forfeiture proceeding the
606 department may seek an ex parte order of seizure of the real
607 property upon a showing that the defendant's control of the real
608 property constitutes a clear and present danger to the state.

609 (7) A violation of this section constitutes a felony of the

595-02897A-23

2023264c2

610 third degree, punishable as provided in s. 775.082, s. 775.083,
611 or s. 775.084.

612 (8) A person who sells real property or any interest
613 therein in violation of this section commits a misdemeanor of
614 the first degree, punishable as provided in s. 775.082 or s.
615 775.083.

616 (9) The Department of Economic Opportunity shall adopt
617 rules to implement this section.

618 Section 8. Present subsections (3), (4), and (5) of section
619 408.051, Florida Statutes, are redesignated as subsections (4),
620 (5), and (6), respectively, a new subsection (3) is added to
621 that section, and subsection (2) of that section is reordered
622 and amended, to read:

623 408.051 Florida Electronic Health Records Exchange Act.—

624 (2) DEFINITIONS.—As used in this section, the term:

625 (c)~~(a)~~ "Electronic health record" means a record of a
626 person's medical treatment which is created by a licensed health
627 care provider and stored in an interoperable and accessible
628 digital format.

629 (i)~~(b)~~ "Qualified electronic health record" means an
630 electronic record of health-related information concerning an
631 individual which includes patient demographic and clinical
632 health information, such as medical history and problem lists,
633 and which has the capacity to provide clinical decision support,
634 to support physician order entry, to capture and query
635 information relevant to health care quality, and to exchange
636 electronic health information with, and integrate such
637 information from, other sources.

638 (a)~~(e)~~ "Certified electronic health record technology"

595-02897A-23

2023264c2

639 means a qualified electronic health record that is certified
640 pursuant to s. 3001(c)(5) of the Public Health Service Act as
641 meeting standards adopted under s. 3004 of such act which are
642 applicable to the type of record involved, such as an ambulatory
643 electronic health record for office-based physicians or an
644 inpatient hospital electronic health record for hospitals.

645 (b) "Cloud computing" has the same meaning as in s.
646 282.0041.

647 (d) "Health care provider" means any of the following:

648 1. A provider as defined in s. 408.803.

649 2. A health care practitioner as defined in s. 456.001.

650 3. A health care professional certified under part IV of
651 chapter 468.

652 4. A home health aide as defined in s. 400.462.

653 5. A service provider as defined in s. 394.455 and the
654 service provider's clinical and nonclinical staff who provide
655 inpatient or outpatient services.

656 6. A continuing care facility licensed under chapter 651.

657 7. A pharmacy permitted under chapter 465.

658 (e)~~(d)~~ "Health record" means any information, recorded in
659 any form or medium, which relates to the past, present, or
660 future health of an individual for the primary purpose of
661 providing health care and health-related services.

662 (f)~~(e)~~ "Identifiable health record" means any health record
663 that identifies the patient or with respect to which there is a
664 reasonable basis to believe the information can be used to
665 identify the patient.

666 (g)~~(f)~~ "Patient" means an individual who has sought, is
667 seeking, is undergoing, or has undergone care or treatment in a

595-02897A-23

2023264c2

668 health care facility or by a health care provider.

669 (h)~~(g)~~ "Patient representative" means a parent of a minor
670 patient, a court-appointed guardian for the patient, a health
671 care surrogate, or a person holding a power of attorney or
672 notarized consent appropriately executed by the patient granting
673 permission to a health care facility or health care provider to
674 disclose the patient's health care information to that person.
675 In the case of a deceased patient, the term also means the
676 personal representative of the estate of the deceased patient;
677 the deceased patient's surviving spouse, surviving parent, or
678 surviving adult child; the parent or guardian of a surviving
679 minor child of the deceased patient; the attorney for the
680 patient's surviving spouse, parent, or adult child; or the
681 attorney for the parent or guardian of a surviving minor child.

682 (3) SECURITY AND STORAGE OF PERSONAL MEDICAL INFORMATION.-
683 In addition to the requirements in 45 C.F.R. part 160 and
684 subparts A and C of part 164, a health care provider that
685 utilizes certified electronic health record technology must
686 ensure that all patient information stored in an offsite
687 physical or virtual environment, including through a third-party
688 or subcontracted computing facility or an entity providing cloud
689 computing services, is physically maintained in the continental
690 United States or its territories or Canada. This subsection
691 applies to all qualified electronic health records that are
692 stored using any technology that can allow information to be
693 electronically retrieved, accessed, or transmitted.

694 Section 9. Subsections (14) and (15) are added to section
695 408.810, Florida Statutes, to read:

696 408.810 Minimum licensure requirements.-In addition to the

595-02897A-23

2023264c2

697 licensure requirements specified in this part, authorizing
698 statutes, and applicable rules, each applicant and licensee must
699 comply with the requirements of this section in order to obtain
700 and maintain a license.

701 (14) The licensee must sign an affidavit at the time of his
702 or her initial application for a license and on any renewal
703 applications thereafter that attests under penalty of perjury
704 that he or she is in compliance with s. 408.051(3). The licensee
705 must remain in compliance with s. 408.051(3) or the licensee
706 shall be subject to disciplinary action by the agency.

707 (15) (a) The licensee must ensure that a person or entity
708 who possesses a controlling interest does not hold, either
709 directly or indirectly, regardless of ownership structure, an
710 interest in an entity that has a business relationship with a
711 foreign country of concern or that is subject to s. 287.135.

712 (b) For purposes of this subsection, the term:

713 1. "Business relationship" means engaging in commerce in
714 any form, including, but not limited to, acquiring, developing,
715 maintaining, owning, selling, possessing, leasing, or operating
716 equipment, facilities, personnel, products, services, personal
717 property, real property, military equipment, or any other
718 apparatus of business or commerce.

719 2. "Foreign country of concern" has the same meaning as in
720 s. 692.201.

721 3. "Interest" has the same meaning as in s. 286.101(1).

722 Section 10. Section 836.05, Florida Statutes, is amended to
723 read:

724 836.05 Threats; extortion.—

725 (1) Whoever, either verbally or by a written or printed

595-02897A-23

2023264c2

726 communication, maliciously threatens to accuse another of any
727 crime or offense, or by such communication maliciously threatens
728 an injury to the person, property or reputation of another, or
729 maliciously threatens to expose another to disgrace, or to
730 expose any secret affecting another, or to impute any deformity
731 or lack of chastity to another, with intent thereby to extort
732 money or any pecuniary advantage whatsoever, or with intent to
733 compel the person so threatened, or any other person, to do any
734 act or refrain from doing any act against his or her will,
735 commits ~~shall be guilty of~~ a felony of the second degree,
736 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

737 (2) A person who commits a violation of subsection (1) and
738 at the time of the violation is acting as a foreign agent, as
739 defined in s. 812.081(1), with the intent of benefiting a
740 foreign country of concern, as defined in s. 692.201, commits a
741 felony of the first degree, punishable as provided in s.
742 775.082, s. 775.083, or s. 775.084.

743 Section 11. This act shall take effect July 1, 2023.

EXHIBIT 43



708856

LEGISLATIVE ACTION

Senate

.
. .
. .
. .
. .

House

Senator Collins moved the following:

Senate Amendment (with title amendment)

Delete lines 250 - 617

and insert:

ss. 692.201, 692.202, 692.203, 692.204, and 692.205, Florida Statutes, to be entitled "Conveyances to Foreign Entities."

Section 4. Section 692.201, Florida Statutes, is created to read:

692.201 Definitions.—As used in this part, the term:

(1) "Agricultural land" means land classified as agricultural under s. 193.461.



708856

12 (2) "Critical infrastructure facility" means any of the
13 following, if it employs measures such as fences, barriers, or
14 guard posts that are designed to exclude unauthorized persons:

15 (a) A chemical manufacturing facility.

16 (b) A refinery.

17 (c) An electrical power plant as defined in s. 403.031(20),
18 including a substation, switching station, electrical control
19 center, or electric transmission or distribution facility.

20 (d) A water intake structure, water treatment facility,
21 wastewater treatment plant, or pump station.

22 (e) A natural gas transmission compressor station.

23 (f) A liquid natural gas terminal or storage facility.

24 (g) A telecommunications central switching office.

25 (h) An inland port or other facility or group of facilities
26 serving as a point of intermodal transfer of freight in a
27 specific area physically separated from a seaport.

28 (i) A gas processing plant, including a plant used in the
29 processing, treatment, or fractionation of natural gas.

30 (j) A seaport as listed in s. 311.09.

31 (k) A spaceport territory as defined in s. 331.303(18).

32 (3) "Foreign country of concern" means the People's
33 Republic of China, the Russian Federation, the Islamic Republic
34 of Iran, the Democratic People's Republic of Korea, the Republic
35 of Cuba, the Venezuelan regime of Nicolás Maduro, or the Syrian
36 Arab Republic, including any agency of or any other entity of
37 significant control of such foreign country of concern.

38 (4) "Foreign principal" means:

39 (a) The government or any official of the government of a
40 foreign country of concern;



708856

41 (b) A political party or member of a political party or any
42 subdivision of a political party in a foreign country of
43 concern;

44 (c) A partnership, association, corporation, organization,
45 or other combination of persons organized under the laws of or
46 having its principal place of business in a foreign country of
47 concern, or a subsidiary of such entity;

48 (d) Any person who is domiciled in a foreign country of
49 concern and is not a citizen or lawful permanent resident of the
50 United States.

51 (5) "Military installation" has the same meaning as in 10
52 U.S.C. s. 2801(c) (4) and includes an armory as defined in s.
53 250.01.

54 (6) "Real property" means land, buildings, fixtures, and
55 all other improvements to land.

56 Section 5. Section 692.202, Florida Statutes, is created to
57 read:

58 692.202 Purchase of agricultural land by foreign principals
59 prohibited.-

60 (1) A foreign principal may not directly or indirectly own
61 or acquire by purchase, grant, devise, or descent agricultural
62 land or any interest, except a de minimus indirect interest, in
63 such land in this state. A foreign principal has a de minimus
64 indirect interest if any ownership in such land is the result of
65 the foreign principal's ownership of registered equities in a
66 publicly traded company owning the land and if the foreign
67 principal's ownership interest in the company is less than 5
68 percent of any class of registered equities or less than 5
69 percent in the aggregate in multiple classes of registered



708856

70 equities.

71 (2) A foreign principal that directly or indirectly owns or
72 acquires agricultural land or any interest in such land in this
73 state before July 1, 2023, may continue to own or hold such land
74 or interest, but may not purchase or otherwise acquire by grant,
75 devise, or descent any additional agricultural land or interest
76 in such land in this state.

77 (3) (a) A foreign principal that directly or indirectly owns
78 or acquires agricultural land or any interest in such land in
79 this state before July 1, 2023, must register with the
80 Department of Agriculture and Consumer Services by January 1,
81 2024. The department must establish a form for such
82 registration, which, at minimum, must include all of the
83 following:

84 1. The name of the owner of the agricultural land or the
85 owner of the interest in such land.

86 2. The address of the agricultural land, the property
87 appraiser's parcel identification number, and the property's
88 legal description.

89 3. The number of acres of the agricultural land.

90 (b) A foreign principal that fails to timely file a
91 registration with the department is subject to a civil penalty
92 of \$1,000 for each day that the registration is late. The
93 department may place a lien against the unregistered
94 agricultural land for the unpaid balance of any penalties
95 assessed under this paragraph.

96 (4) Notwithstanding subsection (1), a foreign principal may
97 acquire agricultural land on or after July 1, 2023, by devise or
98 descent, through the enforcement of security interests, or



708856

99 through the collection of debts, provided that the foreign
100 principal sells, transfers, or otherwise divests itself of the
101 agricultural land within 2 years after acquiring the
102 agricultural land.

103 (5) (a) At the time of purchase, a buyer of agricultural
104 land or an interest in such land must provide an affidavit
105 signed under penalty of perjury attesting that the buyer is:

- 106 1. Not a foreign principal; and
107 2. In compliance with the requirements of this section.

108 (b) The failure to obtain or maintain the affidavit does
109 not:

110 1. Affect the title or insurability of the title for the
111 agricultural land; or

112 2. Subject the closing agent to civil or criminal
113 liability, unless the closing agent has actual knowledge that
114 the transaction will result in a violation of this section.

115 (c) The Florida Real Estate Commission shall adopt rules to
116 implement this subsection, including rules establishing the form
117 for the affidavit required under this subsection.

118 (6) (a) The agricultural land or an interest in such land
119 that is owned or acquired in violation of this section may be
120 forfeited to the state.

121 (b) The Department of Agriculture and Consumer Services may
122 initiate a civil action in the circuit court of the county in
123 which the property lies for the forfeiture of the agricultural
124 land or any interest therein.

125 (c) Upon filing such action, the clerk must record a lis
126 pendens in accordance with s. 48.23. The court must advance the
127 cause on the calendar. The defendant may at any time petition to



708856

128 modify or discharge the lis pendens based upon a finding that
129 there is no probable cause to believe that the agricultural
130 land, or any portion thereof, is owned or held in violation of
131 this section.

132 (d) If the court finds that the agricultural land, or any
133 portion thereof, is owned or held in violation of this section,
134 the court must enter a final judgment of forfeiture vesting
135 title to the agricultural land in this state, subject only to
136 the rights and interests of bona fide lienholders, and such
137 final judgment relates back to the date of the lis pendens.

138 (e) The department may sell the agricultural land subject
139 to a final judgment of forfeiture. Any proceeds from the sale
140 must first be paid to any lienholders of the land, followed by
141 payment of any outstanding fines assessed pursuant to this
142 section, after which the department must be reimbursed for all
143 costs related to the forfeiture civil action and any costs
144 related to the sale of the land. Any remaining proceeds must be
145 paid to the property owner.

146 (f) At any time during the forfeiture proceeding the
147 department may seek an ex parte order of seizure of the
148 agricultural land upon a showing that the defendant's control of
149 the agricultural land constitutes a clear and present danger to
150 the state.

151 (7) A foreign principal that purchases or acquires
152 agricultural land or any interest therein in violation of this
153 section commits a misdemeanor of the second degree, punishable
154 as provided in s. 775.082 or s. 775.083.

155 (8) A person who knowingly sells agricultural land or any
156 interest therein in violation of this section commits a



708856

157 misdemeanor of the second degree, punishable as provided in s.
158 775.082 or s. 775.083.

159 (9) The Department of Agriculture and Consumer Services
160 shall adopt rules to implement this section.

161 Section 6. Section 692.203, Florida Statutes, is created to
162 read:

163 692.203 Purchase of real property around military
164 installations and critical infrastructure facilities by foreign
165 principals prohibited.—

166 (1) A foreign principal may not directly or indirectly own
167 or acquire by purchase, grant, devise, or descent any interest,
168 except a de minimus indirect interest, in real property within
169 20 miles of any military installation or critical infrastructure
170 facility in this state. A foreign principal has a de minimus
171 indirect interest if any ownership is the result of the foreign
172 principal's ownership of registered equities in a publicly
173 traded company owning the land and if the foreign principal's
174 ownership interest in the company is less than 5 percent of any
175 class of registered equities or less than 5 percent in the
176 aggregate in multiple classes of registered equities.

177 (2) A foreign principal that directly or indirectly owns or
178 acquires any interest in real property within 20 miles of any
179 military installation or critical infrastructure facility in
180 this state before July 1, 2023, may continue to own or hold such
181 real property, but may not purchase or otherwise acquire by
182 grant, devise, or descent any additional real property within 20
183 miles of any military installation or critical infrastructure
184 facility in this state.

185 (3) (a) A foreign principal that owns or acquires real



708856

186 property within 20 miles of any military installation or
187 critical infrastructure facility in this state before July 1,
188 2023, must register with the Department of Economic Opportunity
189 by January 1, 2024. The department must establish a form for
190 such registration which, at a minimum, must include all of the
191 following:

- 192 1. The name of the owner of the real property.
193 2. The address of the real property, the property
194 appraiser's parcel identification number, and the property's
195 legal description.

196 (b) A foreign principal that fails to timely file a
197 registration with the department is subject to a civil penalty
198 of \$1,000 for each day that the registration is late. The
199 department may place a lien against the unregistered real
200 property for the unpaid balance of any penalties assessed under
201 this paragraph.

202 (4) Notwithstanding subsection (1), a foreign principal may
203 acquire real property or any interest therein which is within 20
204 miles of any military installation or critical infrastructure
205 facility in this state on or after July 1, 2023, by devise or
206 descent, through the enforcement of security interests, or
207 through the collection of debts, provided that the foreign
208 principal sells, transfers, or otherwise divests itself of such
209 real property within 2 years after acquiring the real property.

210 (5) (a) At the time of purchase, a buyer of the real
211 property that is within 20 miles of any military installation or
212 critical infrastructure facility in this state must provide an
213 affidavit signed under penalty of perjury attesting that the
214 buyer is:



708856

215 1. Not a foreign principal; and
216 2. In compliance with the requirements of this section.
217 (b) The failure to obtain or maintain the affidavit does
218 not:
219 1. Affect the title or insurability of the title for the
220 real property; or
221 2. Subject the closing agent to civil or criminal
222 liability, unless the closing agent has actual knowledge that
223 the transaction will result in a violation of this section.
224 (c) The Florida Real Estate Commission shall adopt rules to
225 implement this subsection, including rules establishing the form
226 for the affidavit required under this subsection.
227 (6) (a) If any real property is owned or acquired in
228 violation of this section, the real property may be forfeited to
229 the state.
230 (b) The Department of Economic Opportunity may initiate a
231 civil action in the circuit court of the county in which the
232 property lies for the forfeiture of the real property or any
233 interest therein.
234 (c) Upon filing such action, the clerk must record a lis
235 pendens in accordance with s. 48.23. The court must advance the
236 cause on the calendar. The defendant may at any time petition to
237 modify or discharge the lis pendens based upon a finding that
238 there is no probable cause to believe that the real property, or
239 any portion thereof, is owned or held in violation of this
240 section.
241 (d) If the court finds that the real property, or any
242 portion thereof, is owned or held in violation of this section,
243 the court must enter a final judgment of forfeiture vesting



708856

244 title to the real property in this state, subject only to the
245 rights and interests of bona fide lienholders, and such final
246 judgment relates back to the date of the lis pendens.

247 (e) The department may sell the real property subject to a
248 final judgment of forfeiture. Any proceeds from the sale must
249 first be paid to any lienholders of the land, followed by
250 payment of any outstanding fines assessed pursuant to this
251 section, after which the department must be reimbursed for all
252 costs related to the forfeiture civil action and any costs
253 related to the sale of the land. Any remaining proceeds must be
254 paid to the property owner.

255 (f) At any time during the forfeiture proceeding the
256 department may seek an ex parte order of seizure of the real
257 property upon a showing that the defendant's control of the real
258 property constitutes a clear and present danger to the state.

259 (7) A foreign principal that purchases or acquires real
260 property or any interest therein in violation of this section
261 commits a misdemeanor of the second degree, punishable as
262 provided in s. 775.082 or s. 775.083.

263 (8) A person who knowingly sells real property or any
264 interest therein in violation of this section commits a
265 misdemeanor of the second degree, punishable as provided in s.
266 775.082 or s. 775.083.

267 (9) The Department of Economic Opportunity shall adopt
268 rules to implement this section.

269 Section 7. Section 692.204, Florida Statutes, is created to
270 read:

271 692.204 Purchase or acquisition of real property by the
272 People's Republic of China prohibited.-



708856

273 (1) (a) The following persons or entities may not directly
274 or indirectly own or acquire by purchase, grant, devise, or
275 descent any interest, except a de minimus indirect interest, in
276 real property in this state:

277 1. The People's Republic of China, the Chinese Communist
278 Party, or any official or member of the People's Republic of
279 China or the Chinese Communist Party.

280 2. Any other political party or member of a political party
281 or a subdivision of a political party in the People's Republic
282 of China.

283 3. A partnership, an association, a corporation, an
284 organization, or any other combination of persons organized
285 under the laws of or having its principal place of business in
286 the People's Republic of China, or a subsidiary of such entity.

287 4. Any person who is domiciled in the People's Republic of
288 China and who is not a citizen or lawful permanent resident of
289 the United States.

290 (b) A person or entity has a de minimus indirect interest
291 if any ownership is the result of the person's or entity's
292 ownership of registered equities in a publicly traded company
293 owning the land and if the person's or entity's ownership
294 interest in the company is less than 5 percent of any class of
295 registered equities or less than 5 percent in the aggregate in
296 multiple classes of registered equities.

297 (2) A person or entity described in paragraph (1) (a) that
298 directly or indirectly owns or acquires any interest in real
299 property in this state before July 1, 2023, may continue to own
300 or hold such real property, but may not purchase or otherwise
301 acquire by grant, devise, or descent any additional real



708856

302 property in this state.

303 (3) (a) A person or entity described in paragraph (1) (a)
304 that owns or acquires real property in this state before July 1,
305 2023, must register with the Department of Economic Opportunity
306 by January 1, 2024. The department must establish a form for
307 such registration which, at a minimum, must include all of the
308 following:

309 1. The name of the owner of the real property.

310 2. The address of the real property, the property
311 appraiser's parcel identification number, and the property's
312 legal description.

313 (b) A person or entity that fails to timely file a
314 registration with the department is subject to a civil penalty
315 of \$1,000 for each day that the registration is late. The
316 department may place a lien against the unregistered real
317 property for the unpaid balance of any penalties assessed under
318 this paragraph.

319 (4) Notwithstanding subsection (1), a person or an entity
320 described in paragraph (1) (a) may acquire real property in this
321 state on or after July 1, 2023, by devise or descent, through
322 the enforcement of security interests, or through the collection
323 of debts, provided that the person or entity sells, transfers,
324 or otherwise divests itself of such real property within 2 years
325 after acquiring the real property, unless the person or entity
326 is exempt under s. 692.205.

327 (5) (a) At the time of purchase, a buyer of real property in
328 this state must provide an affidavit signed under penalty of
329 perjury attesting that the buyer is:

330 1. Not a person or entity described in paragraph (1) (a);



708856

331 and
332 2. In compliance with the requirements of this section.
333 (b) The failure to obtain or maintain the affidavit does
334 not:
335 1. Affect the title or insurability of the title for the
336 real property; or
337 2. Subject the closing agent to civil or criminal
338 liability, unless the closing agent has actual knowledge that
339 the transaction will result in a violation of this section.
340 (c) The Florida Real Estate Commission shall adopt rules to
341 implement this subsection, including rules establishing the form
342 for the affidavit required under this subsection.
343 (6) (a) If any real property is owned or acquired in
344 violation of this section, the real property may be forfeited to
345 the state.
346 (b) The Department of Economic Opportunity may initiate a
347 civil action in the circuit court of the county in which the
348 property lies for the forfeiture of the real property or any
349 interest therein.
350 (c) Upon filing such action, the clerk must record a lis
351 pendens in accordance with s. 48.23. The court must advance the
352 cause on the calendar. The defendant may at any time petition to
353 modify or discharge the lis pendens based upon a finding that
354 there is no probable cause to believe that the real property, or
355 any portion thereof, is owned or held in violation of this
356 section.
357 (d) If the court finds that the real property, or any
358 portion thereof, is owned or held in violation of this section,
359 the court must enter a final judgment of forfeiture vesting



708856

360 title to the real property in this state, subject only to the
361 rights and interests of bona fide lienholders, and such final
362 judgment relates back to the date of the lis pendens.

363 (e) The department may sell the real property subject to a
364 final judgment of forfeiture. Any proceeds from the sale must
365 first be paid to any lienholders of the land, followed by
366 payment of any outstanding fines assessed pursuant to this
367 section, after which the department must be reimbursed for all
368 costs related to the forfeiture civil action and any costs
369 related to the sale of the land. Any remaining proceeds must be
370 paid to the property owner.

371 (f) At any time during the forfeiture proceeding the
372 department may seek an ex parte order of seizure of the real
373 property upon a showing that the defendant's control of the real
374 property constitutes a clear and present danger to the state.

375 (7) A violation of this section constitutes a felony of the
376 third degree, punishable as provided in s. 775.082, s. 775.083,
377 or s. 775.084.

378 (8) A person who sells real property or any interest
379 therein in violation of this section commits a misdemeanor of
380 the first degree, punishable as provided in s. 775.082 or s.
381 775.083.

382 (9) The Department of Economic Opportunity shall adopt
383 rules to implement this section.

384 Section 8. Section 692.205, Florida Statutes, is created to
385 read:

386 692.205 Inapplicability of this part to real property for
387 diplomatic purposes.—This part does not apply to a foreign
388 principal that acquires real property for a diplomatic purpose



708856

389 that is recognized, acknowledged, or allowed by the Federal
390 Government.

391
392 ===== T I T L E A M E N D M E N T =====

393 And the title is amended as follows:

394 Delete lines 25 - 111

395 and insert:

396 having more than a de minimus indirect interest in
397 such land, and certain real property in this state,
398 respectively; authorizing foreign principals to
399 continue to own or hold such land or property under
400 certain circumstances; requiring certain foreign
401 principals that own or acquire such land or real
402 property to register with a specified department;
403 requiring the Department of Agriculture and Consumer
404 Services and the Department of Economic Opportunity,
405 respectively, to establish a form for such
406 registration; providing civil penalties; authorizing
407 the Department of Agriculture and Consumer Services
408 and the Department of Economic Opportunity to place a
409 lien against unregistered agricultural land or real
410 property, respectively; requiring certain foreign
411 principals to sell, transfer, or otherwise divest
412 themselves of certain agricultural land or real
413 property within a specified timeframe; requiring
414 buyers of such land or property to provide a signed
415 affidavit; specifying that the failure to maintain or
416 obtain the affidavit does not affect the title or
417 insurability of the title for the agricultural land or



708856

418 real property, respectively, or subject the closing
419 agent to certain liability; authorizing the Florida
420 Real Estate Commission to adopt rules; authorizing
421 that certain agricultural land or real property be
422 forfeited to the state; authorizing the Department of
423 Agriculture and Consumer Services and the Department
424 of Economic Opportunity to initiate civil actions for
425 forfeiture of the interest in agricultural land or
426 real property, respectively; requiring that such
427 actions be filed in a certain circuit court; requiring
428 clerks to record a lis pendens; requiring courts to
429 advance the cause on the calendar; authorizing
430 defendants to petition to modify or discharge the lis
431 pendens; requiring the court to enter a specified
432 final judgment under certain circumstances;
433 authorizing the Department of Agriculture and Consumer
434 Services and the Department of Economic Opportunity,
435 respectively, to sell the agricultural land or real
436 property; providing requirements for the proceeds from
437 such sale; authorizing the Department of Agriculture
438 and Consumer Services and the Department of Economic
439 Opportunity, respectively, to seek a specified ex
440 parte order; providing criminal penalties; requiring
441 the Department of Agriculture and Consumer Services
442 and the Department of Economic Opportunity,
443 respectively, to adopt rules; creating s. 692.204,
444 F.S.; prohibiting the People's Republic of China, the
445 Chinese Communist Party, any other political party or
446 member of a political party in the People's Republic



708856

447 of China, and certain persons and entities from
448 purchasing or acquiring real property in this state or
449 having more than a de minimus indirect interest in
450 such real property; authorizing such persons and
451 entities to continue to own or hold such real property
452 under certain circumstances; requiring certain persons
453 or entities that own or acquire real property in this
454 state to register with the Department of Economic
455 Opportunity by a specified date; requiring the
456 Department of Economic Opportunity to establish a form
457 for such registration; providing civil penalties;
458 authorizing the Department of Economic Opportunity to
459 place a lien against unregistered real property;
460 requiring certain persons and entities to sell,
461 transfer, or otherwise divest themselves of certain
462 real property within a specified timeframe; requiring
463 buyers of real property to provide a signed affidavit;
464 specifying that the failure to maintain or obtain the
465 affidavit does not affect the title or insurability of
466 the title for the real property or subject the closing
467 agent to certain liability; authorizing the commission
468 to adopt rules; authorizing certain real property to
469 be forfeited to the state; authorizing the Department
470 of Economic Opportunity to initiate civil actions for
471 forfeiture of the interest in real property; requiring
472 such actions to be filed in a certain circuit court;
473 requiring clerks to record a lis pendens; requiring
474 courts to advance the cause on the calendar;
475 authorizing defendants to petition to modify or



708856

476 discharge the lis pendens; requiring the court to
477 enter a specified final judgment under certain
478 circumstances; authorizing the Department of Economic
479 Opportunity to sell the real property; providing
480 requirements for the proceeds from such sale;
481 authorizing the Department of Economic Opportunity to
482 seek a specified ex parte order; providing criminal
483 penalties; requiring the Department of Economic
484 Opportunity to adopt rules; creating s. 692.205, F.S.;
485 providing an exception from ownership restrictions and
486 registration requirements for real property that is
487 used for diplomatic purposes; amending s. 408.051,
488 F.S.;

EXHIBIT 44



415792

LEGISLATIVE ACTION

Senate

.
. .
. .
. .
. .

House

Senator Collins moved the following:

Senate Amendment

Between lines 276 and 277

insert:

(1) An airport as defined in s. 333.01.

EXHIBIT 45

Sequence: 10
 Session Day: 36
 Calendar Page: 11

The Florida Senate
 2023 Regular Session

Date: 04/11/2023
 Time: 04:56 PM

CS/CS/SB 264
 Third Reading

Yeas - 38

Nays - 0

Not Voting - 2

Presiding - President Passidomo

Y	Albritton-27	Y	DiCeglie-18	Y	Polsky-30
Y	Avila-39	Y	Garcia-36	Y	Powell-24
Y	Baxley-13	Y	Grall-29	Y	Rodriguez-40
Y	Berman-26	Y	Gruters-22	Y	Rouson-16
Y	Book-35	Y	Harrell-31	Y	Simon-3
Y	Boyd-20	Y	Hooper-21	Y	Stewart-17
Y	Bradley-6	Y	Hutson-7	Y	Thompson-15
Y	Brodeur-10	Y	Ingoglia-11	Y	Torres-25
Y	Broxson-1	Y	Jones-34	Y	Trumbull-2
Y	Burgess-23	Y	Martin-33	Y	Wright-8
Y	Burton-12	Y	Mayfield-19	EX	Yarborough-4
Y	Calatayud-38	Y	Osgood-32	Y	President Passidomo-28
Y	Collins-14	Y	Perry-9		
	Davis-5	Y	Pizzo-37		

Y=Yea

N=Nay

EX=Excused

AV=Abstain

EXHIBIT 46

2023264e1

1 A bill to be entitled
2 An act relating to interests of foreign countries;
3 creating s. 287.138, F.S.; defining terms; prohibiting
4 governmental entities from knowingly entering into
5 certain contracts; prohibiting governmental entities
6 from taking specified actions after a specified date
7 relating to contracts that give certain access to
8 personal identifying information; providing an
9 exception; authorizing the Attorney General to bring a
10 civil action; providing penalties; requiring penalties
11 to be deposited into the General Revenue Fund;
12 requiring the Department of Management Services to
13 adopt rules; creating s. 288.007, F.S.; defining
14 terms; prohibiting governmental entities from
15 knowingly entering into certain contracts; requiring
16 governmental entities to require an affidavit from
17 applicants before providing any economic incentive;
18 requiring the Department of Economic Opportunity to
19 adopt rules; providing a directive to the Division of
20 Law Revision to create part III of ch. 692, F.S., to
21 be entitled "Conveyances to Foreign Entities";
22 creating s. 692.201, F.S.; defining terms; creating
23 ss. 692.202 and 692.203, F.S.; prohibiting foreign
24 principals from purchasing agricultural land, or
25 having more than a de minimus indirect interest in
26 such land, and certain real property in this state,
27 respectively; authorizing foreign principals to
28 continue to own or hold such land or property under
29 certain circumstances; requiring certain foreign

2023264e1

30 principals that own or acquire such land or real
31 property to register with a specified department;
32 requiring the Department of Agriculture and Consumer
33 Services and the Department of Economic Opportunity,
34 respectively, to establish a form for such
35 registration; providing civil penalties; authorizing
36 the Department of Agriculture and Consumer Services
37 and the Department of Economic Opportunity to place a
38 lien against unregistered agricultural land or real
39 property, respectively; requiring certain foreign
40 principals to sell, transfer, or otherwise divest
41 themselves of certain agricultural land or real
42 property within a specified timeframe; requiring
43 buyers of such land or property to provide a signed
44 affidavit; specifying that the failure to maintain or
45 obtain the affidavit does not affect the title or
46 insurability of the title for the agricultural land or
47 real property, respectively, or subject the closing
48 agent to certain liability; authorizing the Florida
49 Real Estate Commission to adopt rules; authorizing
50 that certain agricultural land or real property be
51 forfeited to the state; authorizing the Department of
52 Agriculture and Consumer Services and the Department
53 of Economic Opportunity to initiate civil actions for
54 forfeiture of the interest in agricultural land or
55 real property, respectively; requiring that such
56 actions be filed in a certain circuit court; requiring
57 clerks to record a lis pendens; requiring courts to
58 advance the cause on the calendar; authorizing

2023264e1

59 defendants to petition to modify or discharge the lis
60 pendens; requiring the court to enter a specified
61 final judgment under certain circumstances;
62 authorizing the Department of Agriculture and Consumer
63 Services and the Department of Economic Opportunity,
64 respectively, to sell the agricultural land or real
65 property; providing requirements for the proceeds from
66 such sale; authorizing the Department of Agriculture
67 and Consumer Services and the Department of Economic
68 Opportunity, respectively, to seek a specified ex
69 parte order; providing criminal penalties; requiring
70 the Department of Agriculture and Consumer Services
71 and the Department of Economic Opportunity,
72 respectively, to adopt rules; creating s. 692.204,
73 F.S.; prohibiting the People's Republic of China, the
74 Chinese Communist Party, any other political party or
75 member of a political party in the People's Republic
76 of China, and certain persons and entities from
77 purchasing or acquiring real property in this state or
78 having more than a de minimus indirect interest in
79 such real property; authorizing such persons and
80 entities to continue to own or hold such real property
81 under certain circumstances; requiring certain persons
82 or entities that own or acquire real property in this
83 state to register with the Department of Economic
84 Opportunity by a specified date; requiring the
85 Department of Economic Opportunity to establish a form
86 for such registration; providing civil penalties;
87 authorizing the Department of Economic Opportunity to

2023264e1

88 place a lien against unregistered real property;
89 requiring certain persons and entities to sell,
90 transfer, or otherwise divest themselves of certain
91 real property within a specified timeframe; requiring
92 buyers of real property to provide a signed affidavit;
93 specifying that the failure to maintain or obtain the
94 affidavit does not affect the title or insurability of
95 the title for the real property or subject the closing
96 agent to certain liability; authorizing the commission
97 to adopt rules; authorizing certain real property to
98 be forfeited to the state; authorizing the Department
99 of Economic Opportunity to initiate civil actions for
100 forfeiture of the interest in real property; requiring
101 such actions to be filed in a certain circuit court;
102 requiring clerks to record a lis pendens; requiring
103 courts to advance the cause on the calendar;
104 authorizing defendants to petition to modify or
105 discharge the lis pendens; requiring the court to
106 enter a specified final judgment under certain
107 circumstances; authorizing the Department of Economic
108 Opportunity to sell the real property; providing
109 requirements for the proceeds from such sale;
110 authorizing the Department of Economic Opportunity to
111 seek a specified ex parte order; providing criminal
112 penalties; requiring the Department of Economic
113 Opportunity to adopt rules; creating s. 692.205, F.S.;
114 providing an exception from ownership restrictions and
115 registration requirements for real property that is
116 used for diplomatic purposes; amending s. 408.051,

2023264e1

117 F.S.; defining the terms "cloud computing" and "health
118 care provider"; requiring that certain information
119 held by health care providers that utilize certified
120 electronic health record technology be maintained in
121 specified locations; providing applicability; amending
122 s. 408.810, F.S.; requiring a licensee to sign a
123 specified affidavit upon initial application for a
124 license and any renewal applications; authorizing
125 disciplinary action by the Agency for Health Care
126 Administration; prohibiting a person or entity that
127 possesses a controlling interest from holding an
128 interest in certain entities; providing definitions;
129 amending s. 836.05, F.S.; providing enhanced criminal
130 penalties for threatening a person while acting as a
131 foreign agent with the intent of benefiting a foreign
132 country of concern; providing an effective date.

133
134 Be It Enacted by the Legislature of the State of Florida:

135
136 Section 1. Section 287.138, Florida Statutes, is created to
137 read:

138 287.138 Contracting with entities of foreign countries of
139 concern prohibited.—

140 (1) As used in this section, the term:

141 (a) "Controlling interest" means possession of the power to
142 direct or cause the direction of the management or policies of a
143 company, whether through ownership of securities, by contract,
144 or otherwise. A person or entity that directly or indirectly has
145 the right to vote 25 percent or more of the voting interests of

2023264e1

146 the company or is entitled to 25 percent or more of its profits
147 is presumed to possess a controlling interest.

148 (b) "Department" means the Department of Management
149 Services.

150 (c) "Foreign country of concern" means the People's
151 Republic of China, the Russian Federation, the Islamic Republic
152 of Iran, the Democratic People's Republic of Korea, the Republic
153 of Cuba, the Venezuelan regime of Nicolás Maduro, or the Syrian
154 Arab Republic, including any agency of or any other entity of
155 significant control of such foreign country of concern.

156 (d) "Governmental entity" means any state, county,
157 district, authority, or municipal officer, department, division,
158 board, bureau, commission, or other separate unit of government
159 created or established by law including, but not limited to, the
160 Commission on Ethics, the Public Service Commission, the Office
161 of Public Counsel, and any other public or private agency,
162 person, partnership, corporation, or business entity acting on
163 behalf of any public agency.

164 (2) A governmental entity may not knowingly enter into a
165 contract with an entity which would give access to an
166 individual's personal identifying information if:

167 (a) The entity is owned by the government of a foreign
168 country of concern;

169 (b) The government of a foreign country of concern has a
170 controlling interest in the entity; or

171 (c) The entity is organized under the laws of or has its
172 principal place of business in a foreign country of concern.

173 (3) Beginning July 1, 2025, a governmental entity may not
174 extend or renew a contract with an entity listed in paragraphs

2023264e1

175 (2) (a)-(c) if the contract would give such entity access to an
176 individual's personal identifying information.

177 (4) (a) Beginning January 1, 2024, a governmental entity may
178 not accept a bid on, a proposal for, or a reply to, or enter
179 into, a contract with an entity which would grant the entity
180 access to an individual's personal identifying information
181 unless the entity provides the governmental entity with an
182 affidavit signed by an officer or representative of the entity
183 under penalty of perjury attesting that the entity does not meet
184 any of the criteria in paragraphs (2) (a)-(c).

185 (b) Beginning July 1, 2025, when an entity extends or
186 renews a contract with a governmental entity which would grant
187 the entity access to an individual's personal identifying
188 information, the entity must provide the governmental entity
189 with an affidavit signed by an officer or representative of the
190 entity under penalty of perjury attesting that the entity does
191 not meet any of the criteria in paragraphs (2) (a)-(c).

192 (5) The Attorney General may bring a civil action in any
193 court of competent jurisdiction against an entity that violates
194 this section. Violations of this section may result in:

195 (a) A civil penalty equal to twice the amount of the
196 contract for which the entity submitted a bid or proposal for,
197 replied to, or entered into;

198 (b) Ineligibility to enter into, renew, or extend any
199 contract, including any grant agreements, with any governmental
200 entity for up to 5 years;

201 (c) Ineligibility to receive or renew any license,
202 certification, or credential issued by a governmental entity for
203 up to 5 years; and

2023264e1

204 (d) Placement on the suspended vendor list pursuant to s.
205 287.1351.

206 (6) Any penalties collected under subsection (5) must be
207 deposited into the General Revenue Fund.

208 (7) The department shall adopt rules to implement this
209 section, including rules establishing the form for the affidavit
210 required under subsection (4).

211 Section 2. Section 288.007, Florida Statutes, is created to
212 read:

213 288.007 Economic incentives to foreign countries of concern
214 prohibited.—

215 (1) As used in this section, the term:

216 (a) "Controlled by" means having possession of the power to
217 direct or cause the direction of the management or policies of a
218 company, whether through ownership of securities, by contract,
219 or otherwise. A person or entity that directly or indirectly has
220 the right to vote 25 percent or more of the voting interests of
221 the company or that is entitled to 25 percent or more of its
222 profits is presumed to control the foreign entity.

223 (b) "Economic incentive" means all programs administered
224 by, or for which an applicant for the program must seek
225 certification, approval, or other action by, the department
226 under this chapter, chapter 212, or chapter 220; and all local
227 economic development programs, grants, or financial benefits
228 administered by a political subdivision or an agent thereof.

229 (c) "Foreign country of concern" has the same meaning as in
230 s. 692.201.

231 (d) "Foreign entity" means an entity that is:

232 1. Owned or controlled by the government of a foreign

2023264e1

233 country of concern; or

234 2. A partnership, association, corporation, organization,
235 or other combination of persons organized under the laws of or
236 having its principal place of business in a foreign country of
237 concern, or a subsidiary of such entity.

238 (e) "Government entity" means a state agency, a political
239 subdivision, or any other public or private agency, person,
240 partnership, corporation, or business entity acting on behalf of
241 any public agency.

242 (2) A government entity may not knowingly enter into an
243 agreement or contract for an economic incentive with a foreign
244 entity.

245 (3) Before providing any economic incentive, a government
246 entity must require the recipient or applicant to provide the
247 government entity with an affidavit signed under penalty of
248 perjury attesting that the recipient or applicant is not a
249 foreign entity.

250 (4) The department shall adopt rules to administer this
251 section, including rules establishing the form for the affidavit
252 required under subsection (3).

253 Section 3. The Division of Law Revision is directed to
254 create part III of chapter 692, Florida Statutes, consisting of
255 ss. 692.201, 692.202, 692.203, 692.204, and 692.205, Florida
256 Statutes, to be entitled "Conveyances to Foreign Entities."

257 Section 4. Section 692.201, Florida Statutes, is created to
258 read:

259 692.201 Definitions.—As used in this part, the term:

260 (1) "Agricultural land" means land classified as
261 agricultural under s. 193.461.

2023264e1

262 (2) "Critical infrastructure facility" means any of the
263 following, if it employs measures such as fences, barriers, or
264 guard posts that are designed to exclude unauthorized persons:

265 (a) A chemical manufacturing facility.

266 (b) A refinery.

267 (c) An electrical power plant as defined in s. 403.031(20),
268 including a substation, switching station, electrical control
269 center, or electric transmission or distribution facility.

270 (d) A water intake structure, water treatment facility,
271 wastewater treatment plant, or pump station.

272 (e) A natural gas transmission compressor station.

273 (f) A liquid natural gas terminal or storage facility.

274 (g) A telecommunications central switching office.

275 (h) An inland port or other facility or group of facilities
276 serving as a point of intermodal transfer of freight in a
277 specific area physically separated from a seaport.

278 (i) A gas processing plant, including a plant used in the
279 processing, treatment, or fractionation of natural gas.

280 (j) A seaport as listed in s. 311.09.

281 (k) A spaceport territory as defined in s. 331.303(18).

282 (l) An airport as defined in s. 333.01.

283 (3) "Foreign country of concern" means the People's
284 Republic of China, the Russian Federation, the Islamic Republic
285 of Iran, the Democratic People's Republic of Korea, the Republic
286 of Cuba, the Venezuelan regime of Nicolás Maduro, or the Syrian
287 Arab Republic, including any agency of or any other entity of
288 significant control of such foreign country of concern.

289 (4) "Foreign principal" means:

290 (a) The government or any official of the government of a

2023264e1

291 foreign country of concern;

292 (b) A political party or member of a political party or any
293 subdivision of a political party in a foreign country of
294 concern;

295 (c) A partnership, association, corporation, organization,
296 or other combination of persons organized under the laws of or
297 having its principal place of business in a foreign country of
298 concern, or a subsidiary of such entity;

299 (d) Any person who is domiciled in a foreign country of
300 concern and is not a citizen or lawful permanent resident of the
301 United States.

302 (5) "Military installation" has the same meaning as in 10
303 U.S.C. s. 2801(c) (4) and includes an armory as defined in s.
304 250.01.

305 (6) "Real property" means land, buildings, fixtures, and
306 all other improvements to land.

307 Section 5. Section 692.202, Florida Statutes, is created to
308 read:

309 692.202 Purchase of agricultural land by foreign principals
310 prohibited.—

311 (1) A foreign principal may not directly or indirectly own
312 or acquire by purchase, grant, devise, or descent agricultural
313 land or any interest, except a de minimus indirect interest, in
314 such land in this state. A foreign principal has a de minimus
315 indirect interest if any ownership in such land is the result of
316 the foreign principal's ownership of registered equities in a
317 publicly traded company owning the land and if the foreign
318 principal's ownership interest in the company is less than 5
319 percent of any class of registered equities or less than 5

2023264e1

320 percent in the aggregate in multiple classes of registered
321 equities.

322 (2) A foreign principal that directly or indirectly owns or
323 acquires agricultural land or any interest in such land in this
324 state before July 1, 2023, may continue to own or hold such land
325 or interest, but may not purchase or otherwise acquire by grant,
326 devise, or descent any additional agricultural land or interest
327 in such land in this state.

328 (3) (a) A foreign principal that directly or indirectly owns
329 or acquires agricultural land or any interest in such land in
330 this state before July 1, 2023, must register with the
331 Department of Agriculture and Consumer Services by January 1,
332 2024. The department must establish a form for such
333 registration, which, at minimum, must include all of the
334 following:

335 1. The name of the owner of the agricultural land or the
336 owner of the interest in such land.

337 2. The address of the agricultural land, the property
338 appraiser's parcel identification number, and the property's
339 legal description.

340 3. The number of acres of the agricultural land.

341 (b) A foreign principal that fails to timely file a
342 registration with the department is subject to a civil penalty
343 of \$1,000 for each day that the registration is late. The
344 department may place a lien against the unregistered
345 agricultural land for the unpaid balance of any penalties
346 assessed under this paragraph.

347 (4) Notwithstanding subsection (1), a foreign principal may
348 acquire agricultural land on or after July 1, 2023, by devise or

2023264e1

349 descent, through the enforcement of security interests, or
350 through the collection of debts, provided that the foreign
351 principal sells, transfers, or otherwise divests itself of the
352 agricultural land within 2 years after acquiring the
353 agricultural land.

354 (5) (a) At the time of purchase, a buyer of agricultural
355 land or an interest in such land must provide an affidavit
356 signed under penalty of perjury attesting that the buyer is:

- 357 1. Not a foreign principal; and
358 2. In compliance with the requirements of this section.

359 (b) The failure to obtain or maintain the affidavit does
360 not:

361 1. Affect the title or insurability of the title for the
362 agricultural land; or

363 2. Subject the closing agent to civil or criminal
364 liability, unless the closing agent has actual knowledge that
365 the transaction will result in a violation of this section.

366 (c) The Florida Real Estate Commission shall adopt rules to
367 implement this subsection, including rules establishing the form
368 for the affidavit required under this subsection.

369 (6) (a) The agricultural land or an interest in such land
370 that is owned or acquired in violation of this section may be
371 forfeited to the state.

372 (b) The Department of Agriculture and Consumer Services may
373 initiate a civil action in the circuit court of the county in
374 which the property lies for the forfeiture of the agricultural
375 land or any interest therein.

376 (c) Upon filing such action, the clerk must record a lis
377 pendens in accordance with s. 48.23. The court must advance the

2023264e1

378 cause on the calendar. The defendant may at any time petition to
379 modify or discharge the lis pendens based upon a finding that
380 there is no probable cause to believe that the agricultural
381 land, or any portion thereof, is owned or held in violation of
382 this section.

383 (d) If the court finds that the agricultural land, or any
384 portion thereof, is owned or held in violation of this section,
385 the court must enter a final judgment of forfeiture vesting
386 title to the agricultural land in this state, subject only to
387 the rights and interests of bona fide lienholders, and such
388 final judgment relates back to the date of the lis pendens.

389 (e) The department may sell the agricultural land subject
390 to a final judgment of forfeiture. Any proceeds from the sale
391 must first be paid to any lienholders of the land, followed by
392 payment of any outstanding fines assessed pursuant to this
393 section, after which the department must be reimbursed for all
394 costs related to the forfeiture civil action and any costs
395 related to the sale of the land. Any remaining proceeds must be
396 paid to the property owner.

397 (f) At any time during the forfeiture proceeding the
398 department may seek an ex parte order of seizure of the
399 agricultural land upon a showing that the defendant's control of
400 the agricultural land constitutes a clear and present danger to
401 the state.

402 (7) A foreign principal that purchases or acquires
403 agricultural land or any interest therein in violation of this
404 section commits a misdemeanor of the second degree, punishable
405 as provided in s. 775.082 or s. 775.083.

406 (8) A person who knowingly sells agricultural land or any

2023264e1

407 interest therein in violation of this section commits a
408 misdemeanor of the second degree, punishable as provided in s.
409 775.082 or s. 775.083.

410 (9) The Department of Agriculture and Consumer Services
411 shall adopt rules to implement this section.

412 Section 6. Section 692.203, Florida Statutes, is created to
413 read:

414 692.203 Purchase of real property around military
415 installations and critical infrastructure facilities by foreign
416 principals prohibited.-

417 (1) A foreign principal may not directly or indirectly own
418 or acquire by purchase, grant, devise, or descent any interest,
419 except a de minimus indirect interest, in real property within
420 20 miles of any military installation or critical infrastructure
421 facility in this state. A foreign principal has a de minimus
422 indirect interest if any ownership is the result of the foreign
423 principal's ownership of registered equities in a publicly
424 traded company owning the land and if the foreign principal's
425 ownership interest in the company is less than 5 percent of any
426 class of registered equities or less than 5 percent in the
427 aggregate in multiple classes of registered equities.

428 (2) A foreign principal that directly or indirectly owns or
429 acquires any interest in real property within 20 miles of any
430 military installation or critical infrastructure facility in
431 this state before July 1, 2023, may continue to own or hold such
432 real property, but may not purchase or otherwise acquire by
433 grant, devise, or descent any additional real property within 20
434 miles of any military installation or critical infrastructure
435 facility in this state.

2023264e1

436 (3) (a) A foreign principal that owns or acquires real
437 property within 20 miles of any military installation or
438 critical infrastructure facility in this state before July 1,
439 2023, must register with the Department of Economic Opportunity
440 by January 1, 2024. The department must establish a form for
441 such registration which, at a minimum, must include all of the
442 following:

- 443 1. The name of the owner of the real property.
444 2. The address of the real property, the property
445 appraiser's parcel identification number, and the property's
446 legal description.

447 (b) A foreign principal that fails to timely file a
448 registration with the department is subject to a civil penalty
449 of \$1,000 for each day that the registration is late. The
450 department may place a lien against the unregistered real
451 property for the unpaid balance of any penalties assessed under
452 this paragraph.

453 (4) Notwithstanding subsection (1), a foreign principal may
454 acquire real property or any interest therein which is within 20
455 miles of any military installation or critical infrastructure
456 facility in this state on or after July 1, 2023, by devise or
457 descent, through the enforcement of security interests, or
458 through the collection of debts, provided that the foreign
459 principal sells, transfers, or otherwise divests itself of such
460 real property within 2 years after acquiring the real property.

461 (5) (a) At the time of purchase, a buyer of the real
462 property that is within 20 miles of any military installation or
463 critical infrastructure facility in this state must provide an
464 affidavit signed under penalty of perjury attesting that the

2023264e1

465 buyer is:

466 1. Not a foreign principal; and

467 2. In compliance with the requirements of this section.

468 (b) The failure to obtain or maintain the affidavit does
469 not:

470 1. Affect the title or insurability of the title for the
471 real property; or

472 2. Subject the closing agent to civil or criminal
473 liability, unless the closing agent has actual knowledge that
474 the transaction will result in a violation of this section.

475 (c) The Florida Real Estate Commission shall adopt rules to
476 implement this subsection, including rules establishing the form
477 for the affidavit required under this subsection.

478 (6) (a) If any real property is owned or acquired in
479 violation of this section, the real property may be forfeited to
480 the state.

481 (b) The Department of Economic Opportunity may initiate a
482 civil action in the circuit court of the county in which the
483 property lies for the forfeiture of the real property or any
484 interest therein.

485 (c) Upon filing such action, the clerk must record a lis
486 pendens in accordance with s. 48.23. The court must advance the
487 cause on the calendar. The defendant may at any time petition to
488 modify or discharge the lis pendens based upon a finding that
489 there is no probable cause to believe that the real property, or
490 any portion thereof, is owned or held in violation of this
491 section.

492 (d) If the court finds that the real property, or any
493 portion thereof, is owned or held in violation of this section,

2023264e1

494 the court must enter a final judgment of forfeiture vesting
495 title to the real property in this state, subject only to the
496 rights and interests of bona fide lienholders, and such final
497 judgment relates back to the date of the lis pendens.

498 (e) The department may sell the real property subject to a
499 final judgment of forfeiture. Any proceeds from the sale must
500 first be paid to any lienholders of the land, followed by
501 payment of any outstanding fines assessed pursuant to this
502 section, after which the department must be reimbursed for all
503 costs related to the forfeiture civil action and any costs
504 related to the sale of the land. Any remaining proceeds must be
505 paid to the property owner.

506 (f) At any time during the forfeiture proceeding the
507 department may seek an ex parte order of seizure of the real
508 property upon a showing that the defendant's control of the real
509 property constitutes a clear and present danger to the state.

510 (7) A foreign principal that purchases or acquires real
511 property or any interest therein in violation of this section
512 commits a misdemeanor of the second degree, punishable as
513 provided in s. 775.082 or s. 775.083.

514 (8) A person who knowingly sells real property or any
515 interest therein in violation of this section commits a
516 misdemeanor of the second degree, punishable as provided in s.
517 775.082 or s. 775.083.

518 (9) The Department of Economic Opportunity shall adopt
519 rules to implement this section.

520 Section 7. Section 692.204, Florida Statutes, is created to
521 read:

522 692.204 Purchase or acquisition of real property by the

2023264e1

523 People's Republic of China prohibited.—

524 (1) (a) The following persons or entities may not directly
525 or indirectly own or acquire by purchase, grant, devise, or
526 descent any interest, except a de minimus indirect interest, in
527 real property in this state:

528 1. The People's Republic of China, the Chinese Communist
529 Party, or any official or member of the People's Republic of
530 China or the Chinese Communist Party.

531 2. Any other political party or member of a political party
532 or a subdivision of a political party in the People's Republic
533 of China.

534 3. A partnership, an association, a corporation, an
535 organization, or any other combination of persons organized
536 under the laws of or having its principal place of business in
537 the People's Republic of China, or a subsidiary of such entity.

538 4. Any person who is domiciled in the People's Republic of
539 China and who is not a citizen or lawful permanent resident of
540 the United States.

541 (b) A person or entity has a de minimus indirect interest
542 if any ownership is the result of the person's or entity's
543 ownership of registered equities in a publicly traded company
544 owning the land and if the person's or entity's ownership
545 interest in the company is less than 5 percent of any class of
546 registered equities or less than 5 percent in the aggregate in
547 multiple classes of registered equities.

548 (2) A person or entity described in paragraph (1) (a) that
549 directly or indirectly owns or acquires any interest in real
550 property in this state before July 1, 2023, may continue to own
551 or hold such real property, but may not purchase or otherwise

2023264e1

552 acquire by grant, devise, or descent any additional real
553 property in this state.

554 (3) (a) A person or entity described in paragraph (1) (a)
555 that owns or acquires real property in this state before July 1,
556 2023, must register with the Department of Economic Opportunity
557 by January 1, 2024. The department must establish a form for
558 such registration which, at a minimum, must include all of the
559 following:

560 1. The name of the owner of the real property.

561 2. The address of the real property, the property
562 appraiser's parcel identification number, and the property's
563 legal description.

564 (b) A person or entity that fails to timely file a
565 registration with the department is subject to a civil penalty
566 of \$1,000 for each day that the registration is late. The
567 department may place a lien against the unregistered real
568 property for the unpaid balance of any penalties assessed under
569 this paragraph.

570 (4) Notwithstanding subsection (1), a person or an entity
571 described in paragraph (1) (a) may acquire real property in this
572 state on or after July 1, 2023, by devise or descent, through
573 the enforcement of security interests, or through the collection
574 of debts, provided that the person or entity sells, transfers,
575 or otherwise divests itself of such real property within 2 years
576 after acquiring the real property, unless the person or entity
577 is exempt under s. 692.205.

578 (5) (a) At the time of purchase, a buyer of real property in
579 this state must provide an affidavit signed under penalty of
580 perjury attesting that the buyer is:

2023264e1

581 1. Not a person or entity described in paragraph (1) (a);
582 and

583 2. In compliance with the requirements of this section.

584 (b) The failure to obtain or maintain the affidavit does
585 not:

586 1. Affect the title or insurability of the title for the
587 real property; or

588 2. Subject the closing agent to civil or criminal
589 liability, unless the closing agent has actual knowledge that
590 the transaction will result in a violation of this section.

591 (c) The Florida Real Estate Commission shall adopt rules to
592 implement this subsection, including rules establishing the form
593 for the affidavit required under this subsection.

594 (6) (a) If any real property is owned or acquired in
595 violation of this section, the real property may be forfeited to
596 the state.

597 (b) The Department of Economic Opportunity may initiate a
598 civil action in the circuit court of the county in which the
599 property lies for the forfeiture of the real property or any
600 interest therein.

601 (c) Upon filing such action, the clerk must record a lis
602 pendens in accordance with s. 48.23. The court must advance the
603 cause on the calendar. The defendant may at any time petition to
604 modify or discharge the lis pendens based upon a finding that
605 there is no probable cause to believe that the real property, or
606 any portion thereof, is owned or held in violation of this
607 section.

608 (d) If the court finds that the real property, or any
609 portion thereof, is owned or held in violation of this section,

2023264e1

610 the court must enter a final judgment of forfeiture vesting
611 title to the real property in this state, subject only to the
612 rights and interests of bona fide lienholders, and such final
613 judgment relates back to the date of the lis pendens.

614 (e) The department may sell the real property subject to a
615 final judgment of forfeiture. Any proceeds from the sale must
616 first be paid to any lienholders of the land, followed by
617 payment of any outstanding fines assessed pursuant to this
618 section, after which the department must be reimbursed for all
619 costs related to the forfeiture civil action and any costs
620 related to the sale of the land. Any remaining proceeds must be
621 paid to the property owner.

622 (f) At any time during the forfeiture proceeding the
623 department may seek an ex parte order of seizure of the real
624 property upon a showing that the defendant's control of the real
625 property constitutes a clear and present danger to the state.

626 (7) A violation of this section constitutes a felony of the
627 third degree, punishable as provided in s. 775.082, s. 775.083,
628 or s. 775.084.

629 (8) A person who sells real property or any interest
630 therein in violation of this section commits a misdemeanor of
631 the first degree, punishable as provided in s. 775.082 or s.
632 775.083.

633 (9) The Department of Economic Opportunity shall adopt
634 rules to implement this section.

635 Section 8. Section 692.205, Florida Statutes, is created to
636 read:

637 692.205 Inapplicability of this part to real property for
638 diplomatic purposes.—This part does not apply to a foreign

2023264e1

639 principal that acquires real property for a diplomatic purpose
640 that is recognized, acknowledged, or allowed by the Federal
641 Government.

642 Section 9. Present subsections (3), (4), and (5) of section
643 408.051, Florida Statutes, are redesignated as subsections (4),
644 (5), and (6), respectively, a new subsection (3) is added to
645 that section, and subsection (2) of that section is reordered
646 and amended, to read:

647 408.051 Florida Electronic Health Records Exchange Act.—

648 (2) DEFINITIONS.—As used in this section, the term:

649 (c)~~(a)~~ "Electronic health record" means a record of a
650 person's medical treatment which is created by a licensed health
651 care provider and stored in an interoperable and accessible
652 digital format.

653 (i)~~(b)~~ "Qualified electronic health record" means an
654 electronic record of health-related information concerning an
655 individual which includes patient demographic and clinical
656 health information, such as medical history and problem lists,
657 and which has the capacity to provide clinical decision support,
658 to support physician order entry, to capture and query
659 information relevant to health care quality, and to exchange
660 electronic health information with, and integrate such
661 information from, other sources.

662 (a)~~(e)~~ "Certified electronic health record technology"
663 means a qualified electronic health record that is certified
664 pursuant to s. 3001(c)(5) of the Public Health Service Act as
665 meeting standards adopted under s. 3004 of such act which are
666 applicable to the type of record involved, such as an ambulatory
667 electronic health record for office-based physicians or an

2023264e1

668 inpatient hospital electronic health record for hospitals.
669 (b) "Cloud computing" has the same meaning as in s.
670 282.0041.
671 (d) "Health care provider" means any of the following:
672 1. A provider as defined in s. 408.803.
673 2. A health care practitioner as defined in s. 456.001.
674 3. A health care professional certified under part IV of
675 chapter 468.
676 4. A home health aide as defined in s. 400.462.
677 5. A service provider as defined in s. 394.455 and the
678 service provider's clinical and nonclinical staff who provide
679 inpatient or outpatient services.
680 6. A continuing care facility licensed under chapter 651.
681 7. A pharmacy permitted under chapter 465.
682 (e)~~(d)~~ "Health record" means any information, recorded in
683 any form or medium, which relates to the past, present, or
684 future health of an individual for the primary purpose of
685 providing health care and health-related services.
686 (f)~~(e)~~ "Identifiable health record" means any health record
687 that identifies the patient or with respect to which there is a
688 reasonable basis to believe the information can be used to
689 identify the patient.
690 (g)~~(f)~~ "Patient" means an individual who has sought, is
691 seeking, is undergoing, or has undergone care or treatment in a
692 health care facility or by a health care provider.
693 (h)~~(g)~~ "Patient representative" means a parent of a minor
694 patient, a court-appointed guardian for the patient, a health
695 care surrogate, or a person holding a power of attorney or
696 notarized consent appropriately executed by the patient granting

2023264e1

697 permission to a health care facility or health care provider to
698 disclose the patient's health care information to that person.
699 In the case of a deceased patient, the term also means the
700 personal representative of the estate of the deceased patient;
701 the deceased patient's surviving spouse, surviving parent, or
702 surviving adult child; the parent or guardian of a surviving
703 minor child of the deceased patient; the attorney for the
704 patient's surviving spouse, parent, or adult child; or the
705 attorney for the parent or guardian of a surviving minor child.

706 (3) SECURITY AND STORAGE OF PERSONAL MEDICAL INFORMATION.—
707 In addition to the requirements in 45 C.F.R. part 160 and
708 subparts A and C of part 164, a health care provider that
709 utilizes certified electronic health record technology must
710 ensure that all patient information stored in an offsite
711 physical or virtual environment, including through a third-party
712 or subcontracted computing facility or an entity providing cloud
713 computing services, is physically maintained in the continental
714 United States or its territories or Canada. This subsection
715 applies to all qualified electronic health records that are
716 stored using any technology that can allow information to be
717 electronically retrieved, accessed, or transmitted.

718 Section 10. Subsections (14) and (15) are added to section
719 408.810, Florida Statutes, to read:

720 408.810 Minimum licensure requirements.—In addition to the
721 licensure requirements specified in this part, authorizing
722 statutes, and applicable rules, each applicant and licensee must
723 comply with the requirements of this section in order to obtain
724 and maintain a license.

725 (14) The licensee must sign an affidavit at the time of his

2023264e1

726 or her initial application for a license and on any renewal
727 applications thereafter that attests under penalty of perjury
728 that he or she is in compliance with s. 408.051(3). The licensee
729 must remain in compliance with s. 408.051(3) or the licensee
730 shall be subject to disciplinary action by the agency.

731 (15) (a) The licensee must ensure that a person or entity
732 who possesses a controlling interest does not hold, either
733 directly or indirectly, regardless of ownership structure, an
734 interest in an entity that has a business relationship with a
735 foreign country of concern or that is subject to s. 287.135.

736 (b) For purposes of this subsection, the term:

737 1. "Business relationship" means engaging in commerce in
738 any form, including, but not limited to, acquiring, developing,
739 maintaining, owning, selling, possessing, leasing, or operating
740 equipment, facilities, personnel, products, services, personal
741 property, real property, military equipment, or any other
742 apparatus of business or commerce.

743 2. "Foreign country of concern" has the same meaning as in
744 s. 692.201.

745 3. "Interest" has the same meaning as in s. 286.101(1).

746 Section 11. Section 836.05, Florida Statutes, is amended to
747 read:

748 836.05 Threats; extortion.—

749 (1) Whoever, either verbally or by a written or printed
750 communication, maliciously threatens to accuse another of any
751 crime or offense, or by such communication maliciously threatens
752 an injury to the person, property or reputation of another, or
753 maliciously threatens to expose another to disgrace, or to
754 expose any secret affecting another, or to impute any deformity

2023264e1

755 or lack of chastity to another, with intent thereby to extort
756 money or any pecuniary advantage whatsoever, or with intent to
757 compel the person so threatened, or any other person, to do any
758 act or refrain from doing any act against his or her will,
759 commits ~~shall be guilty of~~ a felony of the second degree,
760 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

761 (2) A person who commits a violation of subsection (1) and
762 at the time of the violation is acting as a foreign agent, as
763 defined in s. 812.081(1), with the intent of benefiting a
764 foreign country of concern, as defined in s. 692.201, commits a
765 felony of the first degree, punishable as provided in s.
766 775.082, s. 775.083, or s. 775.084.

767 Section 12. This act shall take effect July 1, 2023.

EXHIBIT 47

HOUSE AMENDMENT

Bill No. CS/CS/SB 264, 1st Eng. (2023)

Amendment No.

CHAMBER ACTION

Senate

House

.

1 Representative Borrero offered the following:

2
3 **Amendment (with title amendment)**

4 Remove lines 428-547 and insert:

5 (2)(a) A foreign principal that holds a current verified
6 Employment-Based Immigrant Visa sponsored by a company wholly
7 owned by the United States may purchase a single primary
8 residence on a parcel of real property that is up to 2 acres if
9 such purchase is in the person's name who holds the visa and is
10 not within a 5-mile radius of any military installation or
11 critical infrastructure facility in this state. A purchaser of
12 real property under this subsection must register the property
13 with the Department of Economic Opportunity within 90 days after

510709

Approved For Filing: 4/27/2023 9:51:18 AM

HOUSE AMENDMENT

Bill No. CS/CS/SB 264, 1st Eng. (2023)

Amendment No.

14 the purchase in a form and a manner prescribed by the
15 department. A person who does not register his or her property
16 as required under this paragraph is subject to the penalties
17 under paragraph (4) (b).

18 (b) A purchaser of real property under this subsection
19 must be a permanent resident of the United States, have an
20 application for permanent residency pending with the United
21 States Citizenship and Immigration Services, or verify via
22 affidavit that such purchaser intends to permanently change his
23 or her domicile to this state.

24 (c) If a person purchases real property under this
25 subsection during the pendency of an application for permanent
26 residency and such application is denied or withdrawn, the
27 person must sell, transfer, or otherwise divest himself or
28 herself of such real property within 2 years after the
29 application is denied or withdrawn.

30 (d) If a person purchases real property under this
31 subsection based on the person's intent to permanently change
32 his or her domicile to this state, such person must change his
33 or her domicile to this state within 2 years after the purchase
34 of such real property. If the person does not change his or her
35 domicile to this state within 2 years after such purchase, the
36 person must sell, transfer, or otherwise divest himself or
37 herself of such real property within 4 years after the purchase.

510709

Approved For Filing: 4/27/2023 9:51:18 AM

HOUSE AMENDMENT

Bill No. CS/CS/SB 264, 1st Eng. (2023)

Amendment No.

38 (3) A foreign principal that directly or indirectly owns
39 or acquires any interest in real property within 20 miles of any
40 military installation or critical infrastructure facility in
41 this state before July 1, 2023, may continue to own or hold such
42 real property, but may not purchase or otherwise acquire by
43 grant, devise, or descent any additional real property within 20
44 miles of any military installation or critical infrastructure
45 facility in this state.

46 (4)(a) A foreign principal that owns or acquires real
47 property within 20 miles of any military installation or
48 critical infrastructure facility in this state before July 1,
49 2023, must register with the Department of Economic Opportunity
50 by January 1, 2024. The department must establish a form for
51 such registration which, at a minimum, must include all of the
52 following:

53 1. The name of the owner of the real property.

54 2. The address of the real property, the property
55 appraiser's parcel identification number, and the property's
56 legal description.

57 (b) A foreign principal that fails to timely file a
58 registration with the department is subject to a civil penalty
59 of \$1,000 for each day that the registration is late. The
60 department may place a lien against the unregistered real
61 property for the unpaid balance of any penalties assessed under
62 this paragraph.

510709

Approved For Filing: 4/27/2023 9:51:18 AM

HOUSE AMENDMENT

Bill No. CS/CS/SB 264, 1st Eng. (2023)

Amendment No.

63 (5) Notwithstanding subsection (1), a foreign principal
64 may acquire real property or any interest therein which is
65 within 20 miles of any military installation or critical
66 infrastructure facility in this state on or after July 1, 2023,
67 by devise or descent, through the enforcement of security
68 interests, or through the collection of debts, provided that the
69 foreign principal sells, transfers, or otherwise divests itself
70 of such real property within 2 years after acquiring the real
71 property.

72 (6) (a) At the time of purchase, a buyer of the real
73 property that is within 20 miles of any military installation or
74 critical infrastructure facility in this state must provide an
75 affidavit signed under penalty of perjury attesting that the
76 buyer is:

- 77 1. Not a foreign principal; and
78 2. In compliance with the requirements of this section.

79 (b) The failure to obtain or maintain the affidavit does
80 not:

- 81 1. Affect the title or insurability of the title for the
82 real property; or
83 2. Subject the closing agent to civil or criminal
84 liability, unless the closing agent has actual knowledge that
85 the transaction will result in a violation of this section.

510709

Approved For Filing: 4/27/2023 9:51:18 AM

HOUSE AMENDMENT

Bill No. CS/CS/SB 264, 1st Eng. (2023)

Amendment No.

86 (c) The Florida Real Estate Commission shall adopt rules
87 to implement this subsection, including rules establishing the
88 form for the affidavit required under this subsection.

89 (7)(a) If any real property is owned or acquired in
90 violation of this section, the real property may be forfeited to
91 the state.

92 (b) The Department of Economic Opportunity may initiate a
93 civil action in the circuit court of the county in which the
94 property lies for the forfeiture of the real property or any
95 interest therein.

96 (c) Upon filing such action, the clerk must record a lis
97 pendens in accordance with s. 48.23. The court must advance the
98 cause on the calendar. The defendant may at any time petition to
99 modify or discharge the lis pendens based upon a finding that
100 there is no probable cause to believe that the real property, or
101 any portion thereof, is owned or held in violation of this
102 section.

103 (d) If the court finds that the real property, or any
104 portion thereof, is owned or held in violation of this section,
105 the court must enter a final judgment of forfeiture vesting
106 title to the real property in this state, subject only to the
107 rights and interests of bona fide lienholders, and such final
108 judgment relates back to the date of the lis pendens.

109 (e) The department may sell the real property subject to a
110 final judgment of forfeiture. Any proceeds from the sale must

510709

Approved For Filing: 4/27/2023 9:51:18 AM

HOUSE AMENDMENT

Bill No. CS/CS/SB 264, 1st Eng. (2023)

Amendment No.

111 first be paid to any lienholders of the land, followed by
112 payment of any outstanding fines assessed pursuant to this
113 section, after which the department must be reimbursed for all
114 costs related to the forfeiture civil action and any costs
115 related to the sale of the land. Any remaining proceeds must be
116 paid to the property owner.

117 (f) At any time during the forfeiture proceeding the
118 department may seek an ex parte order of seizure of the real
119 property upon a showing that the defendant's control of the real
120 property constitutes a clear and present danger to the state.

121 (8) A foreign principal that purchases or acquires real
122 property or any interest therein in violation of this section
123 commits a misdemeanor of the second degree, punishable as
124 provided in s. 775.082 or s. 775.083.

125 (9) A person who knowingly sells real property or any
126 interest therein in violation of this section commits a
127 misdemeanor of the second degree, punishable as provided in s.
128 775.082 or s. 775.083.

129 (10) The Department of Economic Opportunity shall adopt
130 rules to implement this section.

131 Section 7. Section 692.204, Florida Statutes, is created
132 to read:

133 692.204 Purchase or acquisition of real property by the
134 People's Republic of China prohibited.-

510709

Approved For Filing: 4/27/2023 9:51:18 AM

HOUSE AMENDMENT

Bill No. CS/CS/SB 264, 1st Eng. (2023)

Amendment No.

135 (1) (a) The following persons or entities may not directly
136 or indirectly own or acquire by purchase, grant, devise, or
137 descent any interest, except a de minimus indirect interest, in
138 real property in this state:

139 1. The People's Republic of China, the Chinese Communist
140 Party, or any official or member of the People's Republic of
141 China or the Chinese Communist Party.

142 2. Any other political party or member of a political
143 party or a subdivision of a political party in the People's
144 Republic of China.

145 3. A partnership, an association, a corporation, an
146 organization, or any other combination of persons organized
147 under the laws of or having its principal place of business in
148 the People's Republic of China, or a subsidiary of such entity.

149 4. Any person who is domiciled in the People's Republic of
150 China and who is not a citizen or lawful permanent resident of
151 the United States.

152 (b) A person or entity has a de minimus indirect interest
153 if any ownership is the result of the person's or entity's
154 ownership of registered equities in a publicly traded company
155 owning the land and if the person's or entity's ownership
156 interest in the company is less than 5 percent of any class of
157 registered equities or less than 5 percent in the aggregate in
158 multiple classes of registered equities.

159 (c) Paragraph (a) does not apply to:

510709

Approved For Filing: 4/27/2023 9:51:18 AM

HOUSE AMENDMENT

Bill No. CS/CS/SB 264, 1st Eng. (2023)

Amendment No.

160 1. The purchase of a single primary residence on a parcel
 161 of real property that is up to 2 acres if such purchase is made
 162 by a permanent worker who holds a current verified Employment-
 163 Based Immigrant Visa sponsored by a company wholly owned by the
 164 United States. A purchase of real property under this paragraph
 165 must be in the person's name who holds the visa and such person
 166 must register the property with the Department of Economic
 167 Opportunity within 90 days after the purchase in a form and a
 168 manner prescribed by the department. A person who does not
 169 register his or her property as required under this subparagraph
 170 is subject to the penalties under paragraph (3) (b).

171 2. An entity that administers and invests funds related to
 172 the United States Citizenship and Immigration Services' EB-5
 173 Immigrant Investor Program if such entity is controlled by
 174 general partners that are United States citizens and all EB-5
 175 immigrant investors are passive. If the EB-5 applicant does not
 176 obtain his or her visa within 2 years after the purchase of real
 177 property using invested funds, the applicant must sell,
 178 transfer, or otherwise divest himself or herself of such real
 179 property within 4 years after the purchase.

T I T L E A M E N D M E N T

Remove lines 27-79 and insert:

510709

Approved For Filing: 4/27/2023 9:51:18 AM

HOUSE AMENDMENT

Bill No. CS/CS/SB 264, 1st Eng. (2023)

Amendment No.

184 respectively; providing exceptions; authorizing
185 foreign principals to continue to own or hold such
186 land or property under certain circumstances;
187 requiring certain foreign principals that own or
188 acquire such land or real property to register with a
189 specified department; requiring the Department of
190 Agriculture and Consumer Services and the Department
191 of Economic Opportunity, respectively, to establish a
192 form for such registration; providing civil penalties;
193 authorizing the Department of Agriculture and Consumer
194 Services and the Department of Economic Opportunity to
195 place a lien against unregistered agricultural land or
196 real property, respectively; requiring certain foreign
197 principals to sell, transfer, or otherwise divest
198 themselves of certain agricultural land or real
199 property within a specified timeframe; requiring
200 buyers of such land or property to provide a signed
201 affidavit; specifying that the failure to maintain or
202 obtain the affidavit does not affect the title or
203 insurability of the title for the agricultural land or
204 real property, respectively, or subject the closing
205 agent to certain liability; authorizing the Florida
206 Real Estate Commission to adopt rules; authorizing
207 that certain agricultural land or real property be
208 forfeited to the state; authorizing the Department of

510709

Approved For Filing: 4/27/2023 9:51:18 AM

HOUSE AMENDMENT

Bill No. CS/CS/SB 264, 1st Eng. (2023)

Amendment No.

209 Agriculture and Consumer Services and the Department
210 of Economic Opportunity to initiate civil actions for
211 forfeiture of the interest in agricultural land or
212 real property, respectively; requiring that such
213 actions be filed in a certain circuit court; requiring
214 clerks to record a lis pendens; requiring courts to
215 advance the cause on the calendar; authorizing
216 defendants to petition to modify or discharge the lis
217 pendens; requiring the court to enter a specified
218 final judgment under certain circumstances;
219 authorizing the Department of Agriculture and Consumer
220 Services and the Department of Economic Opportunity,
221 respectively, to sell the agricultural land or real
222 property; providing requirements for the proceeds from
223 such sale; authorizing the Department of Agriculture
224 and Consumer Services and the Department of Economic
225 Opportunity, respectively, to seek a specified ex
226 parte order; providing criminal penalties; requiring
227 the Department of Agriculture and Consumer Services
228 and the Department of Economic Opportunity,
229 respectively, to adopt rules; creating s. 692.204,
230 F.S.; prohibiting the People's Republic of China, the
231 Chinese Communist Party, any other political party or
232 member of a political party in the People's Republic
233 of China, and certain persons and entities from

510709

Approved For Filing: 4/27/2023 9:51:18 AM

HOUSE AMENDMENT

Bill No. CS/CS/SB 264, 1st Eng. (2023)

Amendment No.

234 purchasing or acquiring real property in this state or
235 having more than a de minimus indirect interest in
236 such real property; providing exceptions; authorizing
237 such persons and

510709

Approved For Filing: 4/27/2023 9:51:18 AM

EXHIBIT 48

HOUSE AMENDMENT

Bill No. CS/CS/SB 264, 1st Eng. (2023)

Amendment No.

CHAMBER ACTION

Senate

House

.

1 Representative Driskell offered the following:

2
3 **Amendment to Amendment (510709)**

4 Remove lines 165-170 and insert:

5 must be in the person's name who holds the visa.

353175

Approved For Filing: 4/30/2023 4:43:07 PM

EXHIBIT 49

HOUSE AMENDMENT

Bill No. CS/CS/SB 264, 1st Eng. (2023)

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Borrero offered the following:

Amendment

Remove lines 261-462 and insert:

agricultural under s. 193.461 or under the comprehensive plan applicable to the land.

(2) "Critical infrastructure facility" means any of the following, if it employs measures such as fences, barriers, or guard posts that are designed to exclude unauthorized persons:

(a) A chemical manufacturing facility.

(b) A refinery.

(c) An electrical power plant as defined in s. 403.031(20), including a substation, switching station,

639273

Approved For Filing: 5/1/2023 2:46:06 PM

HOUSE AMENDMENT

Bill No. CS/CS/SB 264, 1st Eng. (2023)

Amendment No.

14 electrical control center, or electric transmission or
15 distribution facility.

16 (d) A water intake structure, water treatment facility,
17 wastewater treatment plant, or pump station.

18 (e) A natural gas transmission compressor station.

19 (f) A liquid natural gas terminal or storage facility.

20 (g) A telecommunications central switching office.

21 (h) An inland port or other facility or group of
22 facilities serving as a point of intermodal transfer of freight
23 in a specific area physically separated from a seaport.

24 (i) A gas processing plant, including a plant used in the
25 processing, treatment, or fractionation of natural gas.

26 (j) A seaport as listed in s. 311.09.

27 (k) A spaceport territory as defined in s. 331.303(18).

28 (l) An airport as defined in s. 333.01.

29 (3) "Foreign country of concern" means the People's
30 Republic of China, the Russian Federation, the Islamic Republic
31 of Iran, the Democratic People's Republic of Korea, the Republic
32 of Cuba, the Venezuelan regime of Nicolás Maduro, or the Syrian
33 Arab Republic, including any agency of or any other entity of
34 significant control of such foreign country of concern.

35 (4) "Foreign principal" means:

36 (a) The government or any official of the government of a
37 foreign country of concern;

639273

Approved For Filing: 5/1/2023 2:46:06 PM

HOUSE AMENDMENT

Bill No. CS/CS/SB 264, 1st Eng. (2023)

Amendment No.

38 (b) A political party or member of a political party or
39 any subdivision of a political party in a foreign country of
40 concern;

41 (c) A partnership, association, corporation, organization,
42 or other combination of persons organized under the laws of or
43 having its principal place of business in a foreign country of
44 concern, or a subsidiary of such entity;

45 (d) Any person who is domiciled in a foreign country of
46 concern and is not a citizen or lawful permanent resident of the
47 United States.

48 (5) "Military installation" has the same meaning as in 10
49 U.S.C. s. 2801(c) (4) and includes an armory as defined in s.
50 250.01.

51 (6) "Real property" means land, buildings, fixtures, and
52 all other improvements to land.

53 Section 5. Section 692.202, Florida Statutes, is created
54 to read:

55 692.202 Purchase of agricultural land by foreign
56 principals prohibited.—

57 (1) A foreign principal may not directly or indirectly own
58 or acquire by purchase, grant, devise, or descent agricultural
59 land or any interest, except a de minimus indirect interest, in
60 such land in this state. A foreign principal has a de minimus
61 indirect interest if any ownership in such land is the result of
62 the foreign principal's ownership of registered equities in a

639273

Approved For Filing: 5/1/2023 2:46:06 PM

HOUSE AMENDMENT

Bill No. CS/CS/SB 264, 1st Eng. (2023)

Amendment No.

63 publicly traded company owning the land and if the foreign
64 principal's ownership interest in the company is less than 5
65 percent of any class of registered equities or less than 5
66 percent in the aggregate in multiple classes of registered
67 equities.

68 (2) A foreign principal that directly or indirectly owns
69 or acquires agricultural land or any interest in such land in
70 this state before July 1, 2023, may continue to own or hold such
71 land or interest, but may not purchase or otherwise acquire by
72 grant, devise, or descent any additional agricultural land or
73 interest in such land in this state.

74 (3)(a) A foreign principal that directly or indirectly
75 owns or acquires agricultural land or any interest in such land
76 in this state before July 1, 2023, must register with the
77 Department of Agriculture and Consumer Services by January 1,
78 2024. The department must establish a form for such
79 registration, which, at minimum, must include all of the
80 following:

81 1. The name of the owner of the agricultural land or the
82 owner of the interest in such land.

83 2. The address of the agricultural land, the property
84 appraiser's parcel identification number, and the property's
85 legal description.

86 3. The number of acres of the agricultural land.

639273

Approved For Filing: 5/1/2023 2:46:06 PM

HOUSE AMENDMENT

Bill No. CS/CS/SB 264, 1st Eng. (2023)

Amendment No.

87 (b) A foreign principal that fails to timely file a
88 registration with the department is subject to a civil penalty
89 of \$1,000 for each day that the registration is late. The
90 department may place a lien against the unregistered
91 agricultural land for the unpaid balance of any penalties
92 assessed under this paragraph.

93 (4) Notwithstanding subsection (1), a foreign principal
94 may acquire agricultural land on or after July 1, 2023, by
95 devise or descent, through the enforcement of security
96 interests, or through the collection of debts, provided that the
97 foreign principal sells, transfers, or otherwise divests itself
98 of the agricultural land within 2 years after acquiring the
99 agricultural land.

100 (5)(a) At the time of purchase, a buyer of agricultural
101 land or an interest in such land must provide an affidavit
102 signed under penalty of perjury attesting that the buyer is:

- 103 1. Not a foreign principal; and
104 2. In compliance with the requirements of this section.

105 (b) The failure to obtain or maintain the affidavit does
106 not:

107 1. Affect the title or insurability of the title for the
108 agricultural land; or

109 2. Subject the closing agent to civil or criminal
110 liability, unless the closing agent has actual knowledge that
111 the transaction will result in a violation of this section.

639273

Approved For Filing: 5/1/2023 2:46:06 PM

HOUSE AMENDMENT

Bill No. CS/CS/SB 264, 1st Eng. (2023)

Amendment No.

112 (c) The Florida Real Estate Commission shall adopt rules
113 to implement this subsection, including rules establishing the
114 form for the affidavit required under this subsection.

115 (6)(a) The agricultural land or an interest in such land
116 that is owned or acquired in violation of this section may be
117 forfeited to the state.

118 (b) The Department of Agriculture and Consumer Services
119 may initiate a civil action in the circuit court of the county
120 in which the property lies for the forfeiture of the
121 agricultural land or any interest therein.

122 (c) Upon filing such action, the clerk must record a lis
123 pendens in accordance with s. 48.23. The court must advance the
124 cause on the calendar. The defendant may at any time petition to
125 modify or discharge the lis pendens based upon a finding that
126 there is no probable cause to believe that the agricultural
127 land, or any portion thereof, is owned or held in violation of
128 this section.

129 (d) If the court finds that the agricultural land, or any
130 portion thereof, is owned or held in violation of this section,
131 the court must enter a final judgment of forfeiture vesting
132 title to the agricultural land in this state, subject only to
133 the rights and interests of bona fide lienholders, and such
134 final judgment relates back to the date of the lis pendens.

135 (e) The department may sell the agricultural land subject
136 to a final judgment of forfeiture. Any proceeds from the sale

639273

Approved For Filing: 5/1/2023 2:46:06 PM

HOUSE AMENDMENT

Bill No. CS/CS/SB 264, 1st Eng. (2023)

Amendment No.

137 must first be paid to any lienholders of the land, followed by
138 payment of any outstanding fines assessed pursuant to this
139 section, after which the department must be reimbursed for all
140 costs related to the forfeiture civil action and any costs
141 related to the sale of the land. Any remaining proceeds must be
142 paid to the property owner.

143 (f) At any time during the forfeiture proceeding the
144 department may seek an ex parte order of seizure of the
145 agricultural land upon a showing that the defendant's control of
146 the agricultural land constitutes a clear and present danger to
147 the state.

148 (7) A foreign principal that purchases or acquires
149 agricultural land or any interest therein in violation of this
150 section commits a misdemeanor of the second degree, punishable
151 as provided in s. 775.082 or s. 775.083.

152 (8) A person who knowingly sells agricultural land or any
153 interest therein in violation of this section commits a
154 misdemeanor of the second degree, punishable as provided in s.
155 775.082 or s. 775.083.

156 (9) The Department of Agriculture and Consumer Services
157 shall adopt rules to implement this section.

158 Section 6. Section 692.203, Florida Statutes, is created
159 to read:

639273

Approved For Filing: 5/1/2023 2:46:06 PM

HOUSE AMENDMENT

Bill No. CS/CS/SB 264, 1st Eng. (2023)

Amendment No.

160 692.203 Purchase of real property on or around military
161 installations and critical infrastructure facilities by foreign
162 principals prohibited.-

163 (1) A foreign principal may not directly or indirectly own
164 or acquire by purchase, grant, devise, or descent any interest,
165 except a de minimus indirect interest, in real property on or
166 within 20 miles of any military installation or critical
167 infrastructure facility in this state. A foreign principal has a
168 de minimus indirect interest if any ownership is the result of
169 the foreign principal's ownership of registered equities in a
170 publicly traded company owning the land and if the foreign
171 principal's ownership interest in the company is less than 5
172 percent of any class of registered equities or less than 5
173 percent in the aggregate in multiple classes of registered
174 equities.

175 (2) A foreign principal that directly or indirectly owns
176 or acquires any interest in real property on or within 20 miles
177 of any military installation or critical infrastructure facility
178 in this state before July 1, 2023, may continue to own or hold
179 such real property, but may not purchase or otherwise acquire by
180 grant, devise, or descent any additional real property on or
181 within 20 miles of any military installation or critical
182 infrastructure facility in this state.

183 (3)(a) A foreign principal that owns or acquires real
184 property on or within 20 miles of any military installation or

639273

Approved For Filing: 5/1/2023 2:46:06 PM

HOUSE AMENDMENT

Bill No. CS/CS/SB 264, 1st Eng. (2023)

Amendment No.

185 critical infrastructure facility in this state before July 1,
186 2023, must register with the Department of Economic Opportunity
187 by January 1, 2024. The department must establish a form for
188 such registration which, at a minimum, must include all of the
189 following:

190 1. The name of the owner of the real property.

191 2. The address of the real property, the property
192 appraiser's parcel identification number, and the property's
193 legal description.

194 (b) A foreign principal that fails to timely file a
195 registration with the department is subject to a civil penalty
196 of \$1,000 for each day that the registration is late. The
197 department may place a lien against the unregistered real
198 property for the unpaid balance of any penalties assessed under
199 this paragraph.

200 (4) Notwithstanding subsection (1), a foreign principal
201 may acquire real property or any interest therein which is on or
202 within 20 miles of any military installation or critical
203 infrastructure facility in this state on or after July 1, 2023,
204 by devise or descent, through the enforcement of security
205 interests, or through the collection of debts, provided that the
206 foreign principal sells, transfers, or otherwise divests itself
207 of such real property within 2 years after acquiring the real
208 property.

639273

Approved For Filing: 5/1/2023 2:46:06 PM

HOUSE AMENDMENT

Bill No. CS/CS/SB 264, 1st Eng. (2023)

Amendment No.

209 (5) (a) At the time of purchase, a buyer of the real
210 property that is on or within 20 miles of any military
211 installation or

639273

Approved For Filing: 5/1/2023 2:46:06 PM

EXHIBIT 50

HOUSE AMENDMENT

Bill No. CS/CS/SB 264, 1st Eng. (2023)

Amendment No.

CHAMBER ACTION

Senate

House

.

1 Representative Borrero offered the following:

2
3 **Amendment (with title amendment)**

4 Remove lines 262-634 and insert:

5 (2) "Foreign country of concern" means the People's
6 Republic of China, the Russian Federation, the Islamic Republic
7 of Iran, the Democratic People's Republic of Korea, the Republic
8 of Cuba, the Venezuelan regime of Nicolás Maduro, or the Syrian
9 Arab Republic, including any agency of or any other entity of
10 significant control of such foreign country of concern.

11 (3) "Foreign principal" means:

12 (a) The government or any official of the government of a
13 foreign country of concern;

048607

Approved For Filing: 5/2/2023 7:31:00 AM

HOUSE AMENDMENT

Bill No. CS/CS/SB 264, 1st Eng. (2023)

Amendment No.

14 (b) A political party or member of a political party or
15 any subdivision of a political party in a foreign country of
16 concern;

17 (c) A partnership, association, corporation, organization,
18 or other combination of persons organized under the laws of or
19 having its principal place of business in a foreign country of
20 concern, or a subsidiary of such entity; or

21 (d) Any person who is domiciled in a foreign country of
22 concern and is not a citizen or lawful permanent resident of the
23 United States.

24 (4) "Military installation" has the same meaning as in 10
25 U.S.C. s. 2801(c) (4) and includes an armory as defined in s.
26 250.01.

27 (5) "Real property" means land, buildings, fixtures, and
28 all other improvements to land.

29 Section 5. Section 692.202, Florida Statutes, is created
30 to read:

31 692.202 Purchase of agricultural land by foreign
32 principals prohibited.—

33 (1) A foreign principal may not directly or indirectly own
34 or acquire by purchase, grant, devise, or descent agricultural
35 land or any interest, except a de minimus indirect interest, in
36 such land in this state. A foreign principal has a de minimus
37 indirect interest if any ownership is the result of the foreign
38 principal's ownership of registered equities in a publicly

048607

Approved For Filing: 5/2/2023 7:31:00 AM

HOUSE AMENDMENT

Bill No. CS/CS/SB 264, 1st Eng. (2023)

Amendment No.

39 traded company owning the land and if the foreign principal's
40 ownership interest in the company is either:

41 (a) Less than 5 percent of any class of registered
42 equities or less than 5 percent in the aggregate in multiple
43 classes of registered equities; or

44 (b) A noncontrolling interest in an entity controlled by a
45 company that is both registered with the United States
46 Securities and Exchange Commission as an investment adviser
47 under the Investment Advisers Act of 1940, as amended, and is
48 not a foreign entity.

49 (2) A foreign principal that directly or indirectly owns
50 or acquires agricultural land or any interest in such land in
51 this state before July 1, 2023, may continue to own or hold such
52 land or interest, but may not purchase or otherwise acquire by
53 grant, devise, or descent any additional agricultural land or
54 interest in such land in this state.

55 (3)(a) A foreign principal that directly or indirectly
56 owns or acquires agricultural land or any interest in such land
57 in this state before July 1, 2023, must register with the
58 Department of Agriculture and Consumer Services by January 1,
59 2024. The department must establish a form for such
60 registration, which, at minimum, must include all of the
61 following:

62 1. The name of the owner of the agricultural land or the
63 owner of the interest in such land.

048607

Approved For Filing: 5/2/2023 7:31:00 AM

HOUSE AMENDMENT

Bill No. CS/CS/SB 264, 1st Eng. (2023)

Amendment No.

64 2. The address of the agricultural land, the property
65 appraiser's parcel identification number, and the property's
66 legal description.

67 3. The number of acres of the agricultural land.

68 (b) A foreign principal that fails to timely file a
69 registration with the department is subject to a civil penalty
70 of \$1,000 for each day that the registration is late. The
71 department may place a lien against the unregistered
72 agricultural land for the unpaid balance of any penalties
73 assessed under this paragraph.

74 (4) Notwithstanding subsection (1), a foreign principal
75 may acquire agricultural land on or after July 1, 2023, by
76 devise or descent, through the enforcement of security
77 interests, or through the collection of debts, provided that the
78 foreign principal sells, transfers, or otherwise divests itself
79 of the agricultural land within 2 years after acquiring the
80 agricultural land.

81 (5)(a) At the time of purchase, a buyer of agricultural
82 land or an interest in such land must provide an affidavit
83 signed under penalty of perjury attesting that the buyer is:

84 1. Not a foreign principal; and

85 2. In compliance with the requirements of this section.

86 (b) The failure to obtain or maintain the affidavit does
87 not:

048607

Approved For Filing: 5/2/2023 7:31:00 AM

HOUSE AMENDMENT

Bill No. CS/CS/SB 264, 1st Eng. (2023)

Amendment No.

88 1. Affect the title or insurability of the title for the
89 agricultural land; or

90 2. Subject the closing agent to civil or criminal
91 liability, unless the closing agent has actual knowledge that
92 the transaction will result in a violation of this section.

93 (c) The Florida Real Estate Commission shall adopt rules
94 to implement this subsection, including rules establishing the
95 form for the affidavit required under this subsection.

96 (6)(a) The agricultural land or an interest in such land
97 that is owned or acquired in violation of this section may be
98 forfeited to the state.

99 (b) The Department of Agriculture and Consumer Services
100 may initiate a civil action in the circuit court of the county
101 in which the property lies for the forfeiture of the
102 agricultural land or any interest therein.

103 (c) Upon filing such action, the clerk must record a lis
104 pendens in accordance with s. 48.23. The court must advance the
105 cause on the calendar. The defendant may at any time petition to
106 modify or discharge the lis pendens based upon a finding that
107 there is no probable cause to believe that the agricultural
108 land, or any portion thereof, is owned or held in violation of
109 this section.

110 (d) If the court finds that the agricultural land, or any
111 portion thereof, is owned or held in violation of this section,
112 the court must enter a final judgment of forfeiture vesting

048607

Approved For Filing: 5/2/2023 7:31:00 AM

HOUSE AMENDMENT

Bill No. CS/CS/SB 264, 1st Eng. (2023)

Amendment No.

113 title to the agricultural land in this state, subject only to
114 the rights and interests of bona fide lienholders, and such
115 final judgment relates back to the date of the lis pendens.

116 (e) The department may sell the agricultural land subject
117 to a final judgment of forfeiture. Any proceeds from the sale
118 must first be paid to any lienholders of the land, followed by
119 payment of any outstanding fines assessed pursuant to this
120 section, after which the department must be reimbursed for all
121 costs related to the forfeiture civil action and any costs
122 related to the sale of the land. Any remaining proceeds must be
123 paid to the property owner.

124 (f) At any time during the forfeiture proceeding the
125 department may seek an ex parte order of seizure of the
126 agricultural land upon a showing that the defendant's control of
127 the agricultural land constitutes a clear and present danger to
128 the state.

129 (7) A foreign principal that purchases or acquires
130 agricultural land or any interest therein in violation of this
131 section commits a misdemeanor of the second degree, punishable
132 as provided in s. 775.082 or s. 775.083.

133 (8) A person who knowingly sells agricultural land or any
134 interest therein in violation of this section commits a
135 misdemeanor of the second degree, punishable as provided in s.
136 775.082 or s. 775.083.

048607

Approved For Filing: 5/2/2023 7:31:00 AM

HOUSE AMENDMENT

Bill No. CS/CS/SB 264, 1st Eng. (2023)

Amendment No.

137 (9) The Department of Agriculture and Consumer Services
138 shall adopt rules to implement this section.

139 Section 6. Section 692.203, Florida Statutes, is created
140 to read:

141 692.203 Purchase of real property on or around military
142 installations by foreign principals prohibited.—

143 (1) A foreign principal may not directly or indirectly own
144 or acquire by purchase, grant, devise, or descent any interest,
145 except a de minimus indirect interest, in real property on or
146 within 1 mile of any military installation in this state. A
147 foreign principal has a de minimus indirect interest if any
148 ownership is the result of the foreign principal's ownership of
149 registered equities in a publicly traded company owning the land
150 and if the foreign principal's ownership interest in the company
151 is either:

152 (a) Less than 5 percent of any class of registered
153 equities or less than 5 percent in the aggregate in multiple
154 classes of registered equities; or

155 (b) A noncontrolling interest in an entity controlled by a
156 company that is both registered with the United States
157 Securities and Exchange Commission as an investment adviser
158 under the Investment Advisers Act of 1940, as amended, and is
159 not a foreign entity.

160 (2) A foreign principal that directly or indirectly owns
161 or acquires any interest in real property on or within 1 mile of

048607

Approved For Filing: 5/2/2023 7:31:00 AM

HOUSE AMENDMENT

Bill No. CS/CS/SB 264, 1st Eng. (2023)

Amendment No.

162 any military installation in this state before July 1, 2023, may
163 continue to own or hold such real property, but may not purchase
164 or otherwise acquire by grant, devise, or descent any additional
165 real property on or within 1 mile of any military installation
166 in this state.

167 (3) (a) A foreign principal that owns or acquires real
168 property on or within 1 mile of any military installation in
169 this state before July 1, 2023, must register with the
170 Department of Economic Opportunity by January 1, 2024. The
171 department must establish a form for such registration which, at
172 a minimum, must include all of the following:

- 173 1. The name of the owner of the real property.
174 2. The address of the real property, the property
175 appraiser's parcel identification number, and the property's
176 legal description.

177 (b) A foreign principal that fails to timely file a
178 registration with the department is subject to a civil penalty
179 of \$1,000 for each day that the registration is late. The
180 department may place a lien against the unregistered real
181 property for the unpaid balance of any penalties assessed under
182 this paragraph.

183 (4) Notwithstanding subsection (1), a foreign principal
184 may acquire real property or any interest therein which is on or
185 within 1 mile of any military installation in this state on or
186 after July 1, 2023, by devise or descent, through the

048607

Approved For Filing: 5/2/2023 7:31:00 AM

HOUSE AMENDMENT

Bill No. CS/CS/SB 264, 1st Eng. (2023)

Amendment No.

187 enforcement of security interests, or through the collection of
188 debts, provided that the foreign principal sells, transfers, or
189 otherwise divests itself of such real property within 2 years
190 after acquiring the real property.

191 (5) (a) At the time of purchase, a buyer of the real
192 property that is on or within 1 mile of any military
193 installation in this state must provide an affidavit signed
194 under penalty of perjury attesting that the buyer is:

- 195 1. Not a foreign principal; and
196 2. In compliance with the requirements of this section.

197 (b) The failure to obtain or maintain the affidavit does
198 not:

- 199 1. Affect the title or insurability of the title for the
200 real property; or

- 201 2. Subject the closing agent to civil or criminal
202 liability, unless the closing agent has actual knowledge that
203 the transaction will result in a violation of this section.

204 (c) The Florida Real Estate Commission shall adopt rules
205 to implement this subsection, including rules establishing the
206 form for the affidavit required under this subsection.

207 (6) (a) If any real property is owned or acquired in
208 violation of this section, the real property may be forfeited to
209 the state.

210 (b) The Department of Economic Opportunity may initiate a
211 civil action in the circuit court of the county in which the

048607

Approved For Filing: 5/2/2023 7:31:00 AM

HOUSE AMENDMENT

Bill No. CS/CS/SB 264, 1st Eng. (2023)

Amendment No.

212 property lies for the forfeiture of the real property or any
213 interest therein.

214 (c) Upon filing such action, the clerk must record a lis
215 pendens in accordance with s. 48.23. The court must advance the
216 cause on the calendar. The defendant may at any time petition to
217 modify or discharge the lis pendens based upon a finding that
218 there is no probable cause to believe that the real property, or
219 any portion thereof, is owned or held in violation of this
220 section.

221 (d) If the court finds that the real property, or any
222 portion thereof, is owned or held in violation of this section,
223 the court must enter a final judgment of forfeiture vesting
224 title to the real property in this state, subject only to the
225 rights and interests of bona fide lienholders, and such final
226 judgment relates back to the date of the lis pendens.

227 (e) The department may sell the real property subject to a
228 final judgment of forfeiture. Any proceeds from the sale must
229 first be paid to any lienholders of the land, followed by
230 payment of any outstanding fines assessed pursuant to this
231 section, after which the department must be reimbursed for all
232 costs related to the forfeiture civil action and any costs
233 related to the sale of the land. Any remaining proceeds must be
234 paid to the property owner.

235 (f) At any time during the forfeiture proceeding the
236 department may seek an ex parte order of seizure of the real

048607

Approved For Filing: 5/2/2023 7:31:00 AM

HOUSE AMENDMENT

Bill No. CS/CS/SB 264, 1st Eng. (2023)

Amendment No.

237 property upon a showing that the defendant's control of the real
238 property constitutes a clear and present danger to the state.

239 (7) A foreign principal that purchases or acquires real
240 property or any interest therein in violation of this section
241 commits a misdemeanor of the second degree, punishable as
242 provided in s. 775.082 or s. 775.083.

243 (8) A person who knowingly sells real property or any
244 interest therein in violation of this section commits a
245 misdemeanor of the second degree, punishable as provided in s.
246 775.082 or s. 775.083.

247 (9) The Department of Economic Opportunity shall adopt
248 rules to implement this section.

249 Section 7. Section 692.204, Florida Statutes, is created
250 to read:

251 692.204 Purchase or acquisition of real property by the
252 People's Republic of China prohibited.-

253 (1)(a) The following persons or entities may not directly
254 or indirectly own or acquire by purchase, grant, devise, or
255 descent any interest, except a de minimus indirect interest, in
256 real property in this state:

257 1. The People's Republic of China, the Chinese Communist
258 Party, or any official or member of the People's Republic of
259 China or the Chinese Communist Party.

048607

Approved For Filing: 5/2/2023 7:31:00 AM

HOUSE AMENDMENT

Bill No. CS/CS/SB 264, 1st Eng. (2023)

Amendment No.

260 2. Any other political party or member of a political
261 party or a subdivision of a political party in the People's
262 Republic of China.

263 3. A partnership, an association, a corporation, an
264 organization, or any other combination of persons organized
265 under the laws of or having its principal place of business in
266 the People's Republic of China, or a subsidiary of such entity.

267 4. Any person who is domiciled in the People's Republic of
268 China and who is not a citizen or lawful permanent resident of
269 the United States.

270 (b) A person or entity has a de minimus indirect interest
271 if any ownership is the result of the person's or entity's
272 ownership of registered equities in a publicly traded company
273 owning the land and if the person's or entity's ownership
274 interest in the company is either:

275 1. Less than 5 percent of any class of registered equities
276 or less than 5 percent in the aggregate in multiple classes of
277 registered equities; or

278 2. A noncontrolling interest in an entity controlled by a
279 company that is both registered with the United States
280 Securities and Exchange Commission as an investment adviser
281 under the Investment Advisers Act of 1940, as amended, and is
282 not a foreign entity.

283 (2) Notwithstanding subsection (1), a person or entity
284 described in paragraph (1)(a) who is a natural person holding a

048607

Approved For Filing: 5/2/2023 7:31:00 AM

HOUSE AMENDMENT

Bill No. CS/CS/SB 264, 1st Eng. (2023)

Amendment No.

285 current verified visa authorizing the person to be legally
286 present within the state for purposes other than solely tourist-
287 based travel may purchase a single primary residence on a parcel
288 of real property that is up to 2 acres if such purchase is in
289 the person's name who holds the visa and is not on or within a
290 1-mile radius of any military installation in this state.

291 (3) A person or entity described in paragraph (1) (a) that
292 directly or indirectly owns or acquires any interest in real
293 property in this state before July 1, 2023, may continue to own
294 or hold such real property, but may not purchase or otherwise
295 acquire by grant, devise, or descent any additional real
296 property in this state.

297 (4) (a) A person or entity described in paragraph (1) (a)
298 that owns or acquires real property in this state before July 1,
299 2023, must register with the Department of Economic Opportunity
300 by January 1, 2024. The department must establish a form for
301 such registration which, at a minimum, must include all of the
302 following:

303 1. The name of the owner of the real property.
304 2. The address of the real property, the property
305 appraiser's parcel identification number, and the property's
306 legal description.

307 (b) A person or entity that fails to timely file a
308 registration with the department is subject to a civil penalty
309 of \$1,000 for each day that the registration is late. The

048607

Approved For Filing: 5/2/2023 7:31:00 AM

HOUSE AMENDMENT

Bill No. CS/CS/SB 264, 1st Eng. (2023)

Amendment No.

310 department may place a lien against the unregistered real
311 property for the unpaid balance of any penalties assessed under
312 this paragraph.

313 (5) Notwithstanding subsection (1), a person or an entity
314 described in paragraph (1)(a) may acquire real property in this
315 state on or after July 1, 2023, by devise or descent, through
316 the enforcement of security interests, or through the collection
317 of debts, provided that the person or entity sells, transfers,
318 or otherwise divests itself of such real property within 2 years
319 after acquiring the real property, unless the person or entity
320 is exempt under s. 692.205.

321 (6)(a) At the time of purchase, a buyer of real property
322 in this state must provide an affidavit signed under penalty of
323 perjury attesting that the buyer is:

324 1. Not a person or entity described in paragraph (1)(a);
325 and

326 2. In compliance with the requirements of this section.

327 (b) The failure to obtain or maintain the affidavit does
328 not:

329 1. Affect the title or insurability of the title for the
330 real property; or

331 2. Subject the closing agent to civil or criminal
332 liability, unless the closing agent has actual knowledge that
333 the transaction will result in a violation of this section.

048607

Approved For Filing: 5/2/2023 7:31:00 AM

HOUSE AMENDMENT

Bill No. CS/CS/SB 264, 1st Eng. (2023)

Amendment No.

334 (c) The Florida Real Estate Commission shall adopt rules
335 to implement this subsection, including rules establishing the
336 form for the affidavit required under this subsection.

337 (7)(a) If any real property is owned or acquired in
338 violation of this section, the real property may be forfeited to
339 the state.

340 (b) The Department of Economic Opportunity may initiate a
341 civil action in the circuit court of the county in which the
342 property lies for the forfeiture of the real property or any
343 interest therein.

344 (c) Upon filing such action, the clerk must record a lis
345 pendens in accordance with s. 48.23. The court must advance the
346 cause on the calendar. The defendant may at any time petition to
347 modify or discharge the lis pendens based upon a finding that
348 there is no probable cause to believe that the real property, or
349 any portion thereof, is owned or held in violation of this
350 section.

351 (d) If the court finds that the real property, or any
352 portion thereof, is owned or held in violation of this section,
353 the court must enter a final judgment of forfeiture vesting
354 title to the real property in this state, subject only to the
355 rights and interests of bona fide lienholders, and such final
356 judgment relates back to the date of the lis pendens.

357 (e) The department may sell the real property subject to a
358 final judgment of forfeiture. Any proceeds from the sale must

048607

Approved For Filing: 5/2/2023 7:31:00 AM

HOUSE AMENDMENT

Bill No. CS/CS/SB 264, 1st Eng. (2023)

Amendment No.

359 first be paid to any lienholders of the land, followed by
360 payment of any outstanding fines assessed pursuant to this
361 section, after which the department must be reimbursed for all
362 costs related to the forfeiture civil action and any costs
363 related to the sale of the land. Any remaining proceeds must be
364 paid to the property owner.

365 (f) At any time during the forfeiture proceeding the
366 department may seek an ex parte order of seizure of the real
367 property upon a showing that the defendant's control of the real
368 property constitutes a clear and present danger to the state.

369 (8) A violation of this section constitutes a felony of
370 the third degree, punishable as provided in s. 775.082, s.
371 775.083, or s. 775.084.

372 (9) A person who sells real property or any interest
373 therein in violation of this section commits a misdemeanor of
374 the first degree, punishable as provided in s. 775.082 or s.
375 775.083.

376 (10) The Department of Economic Opportunity shall adopt
377 rules to implement this section.

378
379 -----

T I T L E A M E N D M E N T

381 Remove lines 27-79 and insert:
382 respectively; specifying what constitutes a de minimus
383 indirect interest; providing exceptions; authorizing

048607

Approved For Filing: 5/2/2023 7:31:00 AM

HOUSE AMENDMENT

Bill No. CS/CS/SB 264, 1st Eng. (2023)

Amendment No.

384 foreign principals to continue to own or hold such
385 land or property under certain circumstances;
386 requiring certain foreign principals that own or
387 acquire such land or real property to register with a
388 specified department; requiring the Department of
389 Agriculture and Consumer Services and the Department
390 of Economic Opportunity, respectively, to establish a
391 form for such registration; providing civil penalties;
392 authorizing the Department of Agriculture and Consumer
393 Services and the Department of Economic Opportunity to
394 place a lien against unregistered agricultural land or
395 real property, respectively; requiring certain foreign
396 principals to sell, transfer, or otherwise divest
397 themselves of certain agricultural land or real
398 property within a specified timeframe; requiring
399 buyers of such land or property to provide a signed
400 affidavit; specifying that the failure to maintain or
401 obtain the affidavit does not affect the title or
402 insurability of the title for the agricultural land or
403 real property, respectively, or subject the closing
404 agent to certain liability; authorizing the Florida
405 Real Estate Commission to adopt rules; authorizing
406 that certain agricultural land or real property be
407 forfeited to the state; authorizing the Department of
408 Agriculture and Consumer Services and the Department

048607

Approved For Filing: 5/2/2023 7:31:00 AM

HOUSE AMENDMENT

Bill No. CS/CS/SB 264, 1st Eng. (2023)

Amendment No.

409 of Economic Opportunity to initiate civil actions for
410 forfeiture of the interest in agricultural land or
411 real property, respectively; requiring that such
412 actions be filed in a certain circuit court; requiring
413 clerks to record a lis pendens; requiring courts to
414 advance the cause on the calendar; authorizing
415 defendants to petition to modify or discharge the lis
416 pendens; requiring the court to enter a specified
417 final judgment under certain circumstances;
418 authorizing the Department of Agriculture and Consumer
419 Services and the Department of Economic Opportunity,
420 respectively, to sell the agricultural land or real
421 property; providing requirements for the proceeds from
422 such sale; authorizing the Department of Agriculture
423 and Consumer Services and the Department of Economic
424 Opportunity, respectively, to seek a specified ex
425 parte order; providing criminal penalties; requiring
426 the Department of Agriculture and Consumer Services
427 and the Department of Economic Opportunity,
428 respectively, to adopt rules; creating s. 692.204,
429 F.S.; prohibiting the People's Republic of China, the
430 Chinese Communist Party, any other political party or
431 member of a political party in the People's Republic
432 of China, and certain persons and entities from
433 purchasing or acquiring real property in this state or

048607

Approved For Filing: 5/2/2023 7:31:00 AM

HOUSE AMENDMENT

Bill No. CS/CS/SB 264, 1st Eng. (2023)

Amendment No.

434 | having more than a de minimus indirect interest in
435 | such real property; specifying what constitutes a de
436 | minimus indirect interest; providing exceptions;
437 | authorizing such persons and
438 |

048607

Approved For Filing: 5/2/2023 7:31:00 AM

EXHIBIT 51

The Florida Senate
HOUSE MESSAGE SUMMARY

Prepared By: The Professional Staff of the Committee on Judiciary

[2023s00264.hms.ju]

BILL: CS/CS/SB 264
INTRODUCER: Senators Collins and Avila
SUBJECT: Interests of Foreign Countries
DATE: May 2, 2023

I. Amendments Contained in Message:

House Amendment - 048607 (body with title)

II. Summary of Amendments Contained in Message:

House Amendment 048607 revises the bill to no longer regulate purchases of real property near critical infrastructure facilities. It also narrows the scope of the bill to regulate purchases of real property by certain foreign principals only within 1 mile of military installations, instead of within 20 miles. It expands the de minimus ownership interest exception to include non-controlling interests in companies controlled by a company that is both registered with the SEC as an investment adviser and is not a foreign entity. Finally, it allows certain Chinese persons legally present in the state for purposes other than tourism to purchase a single primary residence.

EXHIBIT 52

Sequence: 440
 Session Day: 58
 Calendar Page:

The Florida House of Representatives
 2023 Regular Session

Date: 05/03/2023
 Time: 01:18 PM

CS/CS/SB 264, 1st Eng.
 Passage
 Third Reading

Yeas - 95

Nays - 17

Not Voting - 7

Presiding - Payne

Y Abbott-5	N Eskamani-42	Y Overdorf-85
Y Altman-32	Y Esposito-77	Y Payne-20
Y Alvarez-69	Y Fabricio-110	Y Perez-116
Y Amesty-45	Y Fernandez-Barquin-118	Y Persons-Mulicka-78
Y Anderson-57	Y Fine-33	Y Plakon-36
Y Andrade-2	Y Franklin-8	Y Plasencia-37
N Antone-41	Y Gantt-109	Y Porras-119
N Arrington-46	Y Garcia-115	N Rayner-Goolsby-62
Y Baker-17	Y Garrison-11	Y Renner-19
Y Bankson-39	Y Giallombardo-79	Y Rizo-112
Y Barnaby-29	Y Gonzalez Pittman-65	Y Roach-76
N Bartleman-103	Y Gossett-Seidman-91	Y Robinson, F.-104
Y Basabe-106	N Gottlieb-102	Y Robinson, W.-71
Y Bell-49	Y Grant-75	Y Rommel-81
Y Beltran-70	Y Gregory-72	Y Roth-94
Y Benjamin-107	Y Griffitts-6	Y Rudman-3
Y Berfield-58	N Harris-44	Y Salzman-1
Y Black-15	N Hart-63	Y Shoaf-7
Y Borrero-111	Y Hawkins-35	Y Silvers-89
Y Botana-80	Hinson-21	Y Sirois-31
Y Brackett-34	Y Holcomb-53	Y Skidmore-92
N Bracy Davis-40	N Hunschofsky-95	Y Smith-38
Y Brannan-10	Y Jacques-59	Y Snyder-86
Y Buchanan-74	Joseph-108	Y Stark-47
Y Busatta Cabrera-114	Killebrew-48	Y Steele-55
Y Campbell-99	Y Koster-66	Y Stevenson-18
Y Canady-50	Y LaMarca-100	N Tant-9
Y Caruso-87	Y Leek-28	Y Temple-52
Y Casello-90	N López, J.-43	Y Tomkow-51
Y Cassel-101	Y Lopez, V.-113	Y Trubusy-84
Chambliss-117	Y Maggard-54	Y Tramont-30
Chaney-61	Y Maney-4	Y Truenow-26
Y Clemons-22	Y Massullo-23	Y Tuck-83
Y Cross-60	Y McClain-27	N Valdés-64
Y Daley-96	Y McClure-68	Y Waldron-93
Daniels-14	Y McFarland-73	N Williams-98
N Driskell-67	Y Melo-82	N Woodson-105
Y Duggan-12	Y Michael-16	Y Yarkosky-25
N Dunkley-97	Y Mooney-120	Y Yeager-56
Y Edmonds-88	Nixon-13	

Y=Yea

N=Nay

EX=Excused

AV=Abstain

EXHIBIT 53



790990

LEGISLATIVE ACTION

Senate

.
. .
. .
. .
. .

House

Senator Collins moved the following:

1 **Senate Amendment to House Amendment (048607) (with title**
2 **amendment)**

3
4 Delete lines 5 - 377
5 and insert:

6 (2) "Critical infrastructure facility" means any of the
7 following, if it employs measures such as fences, barriers, or
8 guard posts that are designed to exclude unauthorized persons:

9 (a) A chemical manufacturing facility.

10 (b) A refinery.



790990

11 (c) An electrical power plant as defined in s. 403.031(20).

12 (d) A water treatment facility or wastewater treatment
13 plant.

14 (e) A liquid natural gas terminal.

15 (f) A telecommunications central switching office.

16 (g) A gas processing plant, including a plant used in the
17 processing, treatment, or fractionation of natural gas.

18 (h) A seaport as listed in s. 311.09.

19 (i) A spaceport territory as defined in s. 331.303(18).

20 (j) An airport as defined in s. 333.01.

21 (3) "Foreign country of concern" means the People's
22 Republic of China, the Russian Federation, the Islamic Republic
23 of Iran, the Democratic People's Republic of Korea, the Republic
24 of Cuba, the Venezuelan regime of Nicolás Maduro, or the Syrian
25 Arab Republic, including any agency of or any other entity of
26 significant control of such foreign country of concern.

27 (4) "Foreign principal" means:

28 (a) The government or any official of the government of a
29 foreign country of concern;

30 (b) A political party or member of a political party or any
31 subdivision of a political party in a foreign country of
32 concern;

33 (c) A partnership, association, corporation, organization,
34 or other combination of persons organized under the laws of or
35 having its principal place of business in a foreign country of
36 concern, or a subsidiary of such entity; or

37 (d) Any person who is domiciled in a foreign country of
38 concern and is not a citizen or lawful permanent resident of the
39 United States.



40 (e) Any person, entity, or collection of persons or
41 entities, described in paragraphs (a) through (d) having a
42 controlling interest in a partnership, association, corporation,
43 organization, trust, or any other legal entity or subsidiary
44 formed for the purpose of owning real property in this state.

45 (5) "Military installation" means a base, camp, post,
46 station, yard, or center encompassing at least 10 contiguous
47 acres that is under the jurisdiction of the Department of
48 Defense or its affiliates.

49 (6) "Real property" means land, buildings, fixtures, and
50 all other improvements to land.

51 Section 5. Section 692.202, Florida Statutes, is created to
52 read:

53 692.202 Purchase of agricultural land by foreign principals
54 prohibited.—

55 (1) A foreign principal may not directly or indirectly own,
56 have a controlling interest in, or acquire by purchase, grant,
57 devise, or descent agricultural land or any interest, except a
58 de minimus indirect interest, in such land in this state. A
59 foreign principal has a de minimus indirect interest if any
60 ownership is the result of the foreign principal's ownership of
61 registered equities in a publicly traded company owning the land
62 and if the foreign principal's ownership interest in the company
63 is either:

64 (a) Less than 5 percent of any class of registered equities
65 or less than 5 percent in the aggregate in multiple classes of
66 registered equities; or

67 (b) A noncontrolling interest in an entity controlled by a
68 company that is both registered with the United States



790990

69 Securities and Exchange Commission as an investment adviser
70 under the Investment Advisers Act of 1940, as amended, and is
71 not a foreign entity.

72 (2) A foreign principal that directly or indirectly owns or
73 acquires agricultural land or any interest in such land in this
74 state before July 1, 2023, may continue to own or hold such land
75 or interest, but may not purchase or otherwise acquire by grant,
76 devise, or descent any additional agricultural land or interest
77 in such land in this state.

78 (3) (a) A foreign principal that directly or indirectly owns
79 or acquires agricultural land or any interest in such land in
80 this state before July 1, 2023, must register with the
81 Department of Agriculture and Consumer Services by January 1,
82 2024. The department must establish a form for such
83 registration, which, at minimum, must include all of the
84 following:

85 1. The name of the owner of the agricultural land or the
86 owner of the interest in such land.

87 2. The address of the agricultural land, the property
88 appraiser's parcel identification number, and the property's
89 legal description.

90 3. The number of acres of the agricultural land.

91 (b) A foreign principal that fails to timely file a
92 registration with the department is subject to a civil penalty
93 of \$1,000 for each day that the registration is late. The
94 department may place a lien against the unregistered
95 agricultural land for the unpaid balance of any penalties
96 assessed under this paragraph.

97 (4) Notwithstanding subsection (1), a foreign principal may



790990

98 acquire agricultural land on or after July 1, 2023, by devise or
99 descent, through the enforcement of security interests, or
100 through the collection of debts, provided that the foreign
101 principal sells, transfers, or otherwise divests itself of the
102 agricultural land within 3 years after acquiring the
103 agricultural land.

104 (5) (a) At the time of purchase, a buyer of agricultural
105 land or an interest in such land must provide an affidavit
106 signed under penalty of perjury attesting that the buyer is:

- 107 1. Not a foreign principal; and
108 2. In compliance with the requirements of this section.

109 (b) The failure to obtain or maintain the affidavit does
110 not:

111 1. Affect the title or insurability of the title for the
112 agricultural land; or

113 2. Subject the closing agent to civil or criminal
114 liability, unless the closing agent has actual knowledge that
115 the transaction will result in a violation of this section.

116 (c) The Florida Real Estate Commission shall adopt rules to
117 implement this subsection, including rules establishing the form
118 for the affidavit required under this subsection.

119 (6) (a) The agricultural land or an interest in such land
120 that is owned or acquired in violation of this section may be
121 forfeited to the state.

122 (b) The Department of Agriculture and Consumer Services may
123 initiate a civil action in the circuit court of the county in
124 which the property lies for the forfeiture of the agricultural
125 land or any interest therein.

126 (c) Upon filing such action, the clerk must record a lis



127 pendens in accordance with s. 48.23. The court must advance the
128 cause on the calendar. The defendant may at any time petition to
129 modify or discharge the lis pendens based upon a finding that
130 there is no probable cause to believe that the agricultural
131 land, or any portion thereof, is owned or held in violation of
132 this section.

133 (d) If the court finds that the agricultural land, or any
134 portion thereof, is owned or held in violation of this section,
135 the court must enter a final judgment of forfeiture vesting
136 title to the agricultural land in this state, subject only to
137 the rights and interests of bona fide lienholders, and such
138 final judgment relates back to the date of the lis pendens.

139 (e) The department may sell the agricultural land subject
140 to a final judgment of forfeiture. Any proceeds from the sale
141 must first be paid to any lienholders of the land, followed by
142 payment of any outstanding fines assessed pursuant to this
143 section, after which the department must be reimbursed for all
144 costs related to the forfeiture civil action and any costs
145 related to the sale of the land. Any remaining proceeds must be
146 paid to the property owner.

147 (f) At any time during the forfeiture proceeding the
148 department may seek an ex parte order of seizure of the
149 agricultural land upon a showing that the defendant's control of
150 the agricultural land constitutes a clear and present danger to
151 the state.

152 (7) A foreign principal that purchases or acquires
153 agricultural land or any interest therein in violation of this
154 section commits a misdemeanor of the second degree, punishable
155 as provided in s. 775.082 or s. 775.083.



156 (8) A person who knowingly sells agricultural land or any
157 interest therein in violation of this section commits a
158 misdemeanor of the second degree, punishable as provided in s.
159 775.082 or s. 775.083.

160 (9) The Department of Agriculture and Consumer Services
161 shall adopt rules to implement this section.

162 Section 6. Section 692.203, Florida Statutes, is created to
163 read:

164 692.203 Purchase of real property on or around military
165 installations or critical infrastructure facilities by foreign
166 principals prohibited.-

167 (1) A foreign principal may not directly or indirectly own,
168 or have a controlling interest in, or acquire by purchase,
169 grant, devise, or descent any interest, except a de minimus
170 indirect interest, in real property on or within 10 miles of any
171 military installation or critical infrastructure facility in
172 this state. A foreign principal has a de minimus indirect
173 interest if any ownership is the result of the foreign
174 principal's ownership of registered equities in a publicly
175 traded company owning the land and if the foreign principal's
176 ownership interest in the company is either:

177 (a) Less than 5 percent of any class of registered equities
178 or less than 5 percent in the aggregate in multiple classes of
179 registered equities; or

180 (b) A noncontrolling interest in an entity controlled by a
181 company that is both registered with the United States
182 Securities and Exchange Commission as an investment adviser
183 under the Investment Advisers Act of 1940, as amended, and is
184 not a foreign entity.



185 (2) A foreign principal that directly or indirectly owns or
186 acquires any interest in real property on or within 10 miles of
187 any military installation or critical infrastructure facility in
188 this state before July 1, 2023, may continue to own or hold such
189 real property, but may not purchase or otherwise acquire by
190 grant, devise, or descent any additional real property on or
191 within 10 miles of any military installation or critical
192 infrastructure facility in this state.

193 (3) (a) A foreign principal must register with the
194 Department of Economic Opportunity if the foreign principal owns
195 or acquires real property on or within 10 miles of any military
196 installation or critical infrastructure facility in this state
197 as authorized under subsection (4) or if the foreign principal
198 owned or acquired an interest, other than a de minimus indirect
199 interest, in such property before July 1, 2023. The department
200 must establish a form for such registration which, at a minimum,
201 must include all of the following:

- 202 1. The name of the owner of the real property.
203 2. The address of the real property, the property
204 appraiser's parcel identification number, and the property's
205 legal description.

206 (b) A foreign principal that fails to timely file a
207 registration with the department is subject to a civil penalty
208 of \$1,000 for each day that the registration is late. A foreign
209 principal must register a property interest owned before July 1,
210 2023, by December 31, 2023. The registration is considered to be
211 late after January 31, 2024. A foreign principal who owns or
212 acquires real property on or after July 1, 2023, as authorized
213 under subsection (4), must register the real property within 30



790990

214 days after the property is owned or acquired. The department may
215 place a lien against the unregistered real property for the
216 unpaid balance of any penalties assessed under this paragraph.

217 (4) Notwithstanding subsection (1) a foreign principal who
218 is a natural person may purchase one residential real property
219 that is up to 2 acres in size if all of the following apply:

220 (a) The parcel is not on or within 5 miles of any military
221 installation in this state.

222 (b) The person has a current verified United States Visa
223 that is not limited to authorizing tourist-based travel or
224 official documentation confirming that the person has been
225 granted asylum in the United States, and such visa or
226 documentation authorizes the person to be legally present within
227 this state.

228 (c) The purchase is in the name of the person who holds the
229 visa or official documentation described in paragraph (b).

230 (5) Notwithstanding subsections (1) and (2), a foreign
231 principal may acquire real property or any interest therein
232 which is on or within 10 miles of any military installation or
233 critical infrastructure facility in this state on or after July
234 1, 2023, by devise or descent, through the enforcement of
235 security interests, or through the collection of debts, provided
236 that the foreign principal sells, transfers, or otherwise
237 divests itself of such real property within 3 years after
238 acquiring the real property.

239 (6) (a) At the time of purchase, a buyer of the real
240 property that is on or within 10 miles of any military
241 installation or critical infrastructure facility in this state
242 must provide an affidavit signed under penalty of perjury



790990

243 attesting that the buyer is:

244 1. Not a foreign principal or not a foreign principal
245 prohibited from purchasing the subject real property; and

246 2. In compliance with the requirements of this section.

247 (b) The failure to obtain or maintain the affidavit does
248 not:

249 1. Affect the title or insurability of the title for the
250 real property; or

251 2. Subject the closing agent to civil or criminal
252 liability, unless the closing agent has actual knowledge that
253 the transaction will result in a violation of this section.

254 (c) The Florida Real Estate Commission shall adopt rules to
255 implement this subsection, including rules establishing the form
256 for the affidavit required under this subsection.

257 (7) (a) If any real property is owned or acquired in
258 violation of this section, the real property may be forfeited to
259 the state.

260 (b) The Department of Economic Opportunity may initiate a
261 civil action in the circuit court of the county in which the
262 property lies for the forfeiture of the real property or any
263 interest therein.

264 (c) Upon filing such action, the clerk must record a lis
265 pendens in accordance with s. 48.23. The court must advance the
266 cause on the calendar. The defendant may at any time petition to
267 modify or discharge the lis pendens based upon a finding that
268 there is no probable cause to believe that the real property, or
269 any portion thereof, is owned or held in violation of this
270 section.

271 (d) If the court finds that the real property, or any



272 portion thereof, is owned or held in violation of this section,
273 the court must enter a final judgment of forfeiture vesting
274 title to the real property in this state, subject only to the
275 rights and interests of bona fide lienholders, and such final
276 judgment relates back to the date of the lis pendens.

277 (e) The department may sell the real property subject to a
278 final judgment of forfeiture. Any proceeds from the sale must
279 first be paid to any lienholders of the land, followed by
280 payment of any outstanding fines assessed pursuant to this
281 section, after which the department must be reimbursed for all
282 costs related to the forfeiture civil action and any costs
283 related to the sale of the land. Any remaining proceeds must be
284 paid to the property owner.

285 (f) At any time during the forfeiture proceeding the
286 department may seek an ex parte order of seizure of the real
287 property upon a showing that the defendant's control of the real
288 property constitutes a clear and present danger to the state.

289 (8) A foreign principal that purchases or acquires real
290 property or any interest therein in violation of this section
291 commits a misdemeanor of the second degree, punishable as
292 provided in s. 775.082 or s. 775.083.

293 (9) A person who knowingly sells real property or any
294 interest therein in violation of this section commits a
295 misdemeanor of the second degree, punishable as provided in s.
296 775.082 or s. 775.083.

297 (10) The Department of Economic Opportunity shall adopt
298 rules to implement this section.

299 Section 7. Section 692.204, Florida Statutes, is created to
300 read:



301 692.204 Purchase or acquisition of real property by the
302 People's Republic of China prohibited.—

303 (1) (a) The following persons or entities may not directly
304 or indirectly own, have a controlling interest in, or acquire by
305 purchase, grant, devise, or descent any interest, except a de
306 minimus indirect interest, in real property in this state:

307 1. The People's Republic of China, the Chinese Communist
308 Party, or any official or member of the People's Republic of
309 China or the Chinese Communist Party.

310 2. Any other political party or member of a political party
311 or a subdivision of a political party in the People's Republic
312 of China.

313 3. A partnership, an association, a corporation, an
314 organization, or any other combination of persons organized
315 under the laws of or having its principal place of business in
316 the People's Republic of China, or a subsidiary of such entity.

317 4. Any person who is domiciled in the People's Republic of
318 China and who is not a citizen or lawful permanent resident of
319 the United States.

320 5. Any person, entity, or collection of persons or entities
321 described in subparagraphs 1. through 4. having a controlling
322 interest in a partnership, association, corporation,
323 organization, trust, or any other legal entity or subsidiary
324 formed for the purpose of owning real property in this state.

325 (b) A person or entity has a de minimus indirect interest
326 if any ownership is the result of the person's or entity's
327 ownership of registered equities in a publicly traded company
328 owning the land and if the person's or entity's ownership
329 interest in the company is either:



330 1. Less than 5 percent of any class of registered equities
331 or less than 5 percent in the aggregate in multiple classes of
332 registered equities; or

333 2. A noncontrolling interest in an entity controlled by a
334 company that is both registered with the United States
335 Securities and Exchange Commission as an investment adviser
336 under the Investment Advisers Act of 1940, as amended, and is
337 not a foreign entity.

338 (2) Notwithstanding subsection (1), a natural person
339 described in paragraph (1)(a) may purchase one residential real
340 property that is up to 2 acres in size if all of the following
341 apply:

342 (a) The parcel is not on or within 5 miles of any military
343 installation in this state.

344 (b) The person has a current verified United States Visa
345 that is not limited to authorizing tourist-based travel or
346 official documentation confirming that the person has been
347 granted asylum in the United States and such visa or
348 documentation authorizes the person to be legally present within
349 this state.

350 (c) The purchase is in the name of the person who holds the
351 visa or official documentation described in paragraph (b).

352 (3) A person or entity described in paragraph (1)(a) that
353 directly or indirectly owns or acquires any interest in real
354 property in this state before July 1, 2023, may continue to own
355 or hold such real property, but may not purchase or otherwise
356 acquire by grant, devise, or descent any additional real
357 property in this state.

358 (4) (a) A person or entity described in paragraph (1)(a),



790990

359 subsection (2), or subsection (5) must register with the
360 Department of Economic Opportunity if the person or entity owns
361 or acquires more than a de minimus indirect interest in real
362 property in this state. The department must establish a form for
363 such registration which, at a minimum, must include all of the
364 following:

- 365 1. The name of the owner of the real property.
366 2. The address of the real property, the property
367 appraiser's parcel identification number, and the property's
368 legal description.

369 (b) A person or entity that fails to timely file a
370 registration with the department is subject to a civil penalty
371 of \$1,000 for each day that the registration is late. The person
372 or entity subject to the registration requirements must register
373 the property or property interests owned or acquired before July
374 1, 2023, by December 31, 2023. The registration is considered to
375 be late 30 days after January 31, 2024. A person or entity that
376 owns or acquires real property or an interest in real property
377 as authorized under subsection (2) or subsection (5), other than
378 an de minimus indirect interest, on or after July 1, 2023, must
379 register the real property or interest within 30 days after the
380 property or interest is owned or acquired. The department may
381 place a lien against the unregistered real property for the
382 unpaid balance of any penalties assessed under this paragraph.

383 (5) Notwithstanding subsection (1), a person or an entity
384 described in paragraph (1)(a) may acquire real property in this
385 state on or after July 1, 2023, by devise or descent, through
386 the enforcement of security interests, or through the collection
387 of debts, provided that the person or entity sells, transfers,



388 or otherwise divests itself of such real property within 3 years
389 after acquiring the real property, unless the person or entity
390 is exempt under s. 692.205.

391 (6) (a) At the time of purchase, a buyer of real property in
392 this state must provide an affidavit signed under penalty of
393 perjury attesting that the buyer is:

394 1. Not a person or entity described in paragraph (1) (a) or
395 that the buyer is a person described in paragraph (1) (a) but is
396 authorized under subsection (2) to purchase the subject
397 property; and

398 2. In compliance with the requirements of this section.

399 (b) The failure to obtain or maintain the affidavit does
400 not:

401 1. Affect the title or insurability of the title for the
402 real property; or

403 2. Subject the closing agent to civil or criminal
404 liability, unless the closing agent has actual knowledge that
405 the transaction will result in a violation of this section.

406 (c) The Florida Real Estate Commission shall adopt rules to
407 implement this subsection, including rules establishing the form
408 for the affidavit required under this subsection.

409 (7) (a) If any real property is owned or acquired in
410 violation of this section, the real property may be forfeited to
411 the state.

412 (b) The Department of Economic Opportunity may initiate a
413 civil action in the circuit court of the county in which the
414 property lies for the forfeiture of the real property or any
415 interest therein.

416 (c) Upon filing such action, the clerk must record a lis



790990

417 pendens in accordance with s. 48.23. The court must advance the
418 cause on the calendar. The defendant may at any time petition to
419 modify or discharge the lis pendens based upon a finding that
420 there is no probable cause to believe that the real property, or
421 any portion thereof, is owned or held in violation of this
422 section.

423 (d) If the court finds that the real property, or any
424 portion thereof, is owned or held in violation of this section,
425 the court must enter a final judgment of forfeiture vesting
426 title to the real property in this state, subject only to the
427 rights and interests of bona fide lienholders, and such final
428 judgment relates back to the date of the lis pendens.

429 (e) The department may sell the real property subject to a
430 final judgment of forfeiture. Any proceeds from the sale must
431 first be paid to any lienholders of the land, followed by
432 payment of any outstanding fines assessed pursuant to this
433 section, after which the department must be reimbursed for all
434 costs related to the forfeiture civil action and any costs
435 related to the sale of the land. Any remaining proceeds must be
436 paid to the property owner.

437 (f) At any time during the forfeiture proceeding the
438 department may seek an ex parte order of seizure of the real
439 property upon a showing that the defendant's control of the real
440 property constitutes a clear and present danger to the state.

441 (8) A violation of this section constitutes a felony of the
442 third degree, punishable as provided in s. 775.082, s. 775.083,
443 or s. 775.084.

444 (9) A person who knowingly sells real property or any
445 interest therein in violation of this section commits a



446 misdemeanor of the first degree, punishable as provided in s.
447 775.082 or s. 775.083.

448 (10) The Department of Economic Opportunity shall adopt
449 rules to implement this section.

450
451 ===== T I T L E A M E N D M E N T =====

452 And the title is amended as follows:

453 Delete lines 382 - 437

454 and insert:

455 respectively; providing exceptions from ownership
456 restrictions; authorizing foreign principals to
457 continue to own or hold such land or property under
458 certain circumstances; requiring certain foreign
459 principals that own or acquire such land or real
460 property to register with a specified department;
461 requiring the Department of Agriculture and Consumer
462 Services and the Department of Economic Opportunity,
463 respectively, to establish a form for such
464 registration; providing civil penalties; authorizing
465 the Department of Agriculture and Consumer Services
466 and the Department of Economic Opportunity to place a
467 lien against unregistered agricultural land or real
468 property, respectively; requiring certain foreign
469 principals to sell, transfer, or otherwise divest
470 themselves of certain agricultural land or real
471 property within a specified timeframe; requiring
472 buyers of such land or property to provide a signed
473 affidavit; specifying that the failure to maintain or
474 obtain the affidavit does not affect the title or



790990

475 insurability of the title for the agricultural land or
476 real property, respectively, or subject the closing
477 agent to certain liability; authorizing the Florida
478 Real Estate Commission to adopt rules; authorizing
479 that certain agricultural land or real property be
480 forfeited to the state; authorizing the Department of
481 Agriculture and Consumer Services and the Department
482 of Economic Opportunity to initiate civil actions for
483 forfeiture of the interest in agricultural land or
484 real property, respectively; requiring that such
485 actions be filed in a certain circuit court; requiring
486 clerks to record a lis pendens; requiring courts to
487 advance the cause on the calendar; authorizing
488 defendants to petition to modify or discharge the lis
489 pendens; requiring the court to enter a specified
490 final judgment under certain circumstances;
491 authorizing the Department of Agriculture and Consumer
492 Services and the Department of Economic Opportunity,
493 respectively, to sell the agricultural land or real
494 property; providing requirements for the proceeds from
495 such sale; authorizing the Department of Agriculture
496 and Consumer Services and the Department of Economic
497 Opportunity, respectively, to seek a specified ex
498 parte order; providing criminal penalties; requiring
499 the Department of Agriculture and Consumer Services
500 and the Department of Economic Opportunity,
501 respectively, to adopt rules; creating s. 692.204,
502 F.S.; prohibiting the People's Republic of China, the
503 Chinese Communist Party, any other political party or



790990

504 member of a political party in the People's Republic
505 of China, and certain persons and entities from
506 purchasing or acquiring real property in this state or
507 having more than a de minimus indirect interest in
508 such real property; providing exceptions from
509 ownership restrictions; authorizing such persons and

EXHIBIT 54

Sequence: 56
 Session Day: 59
 Calendar Page:

The Florida Senate
 2023 Regular Session

Date: 05/04/2023
 Time: 05:48 PM

CS/CS/SB 264
 Returning Messages

Yeas - 31

Nays - 8

Not Voting - 1

Presiding - President Passidomo

Y Albritton-27	Y DiCeglie-18	N Polsky-30
Y Avila-39	Y Garcia-36	N Powell-24
Y Baxley-13	Y Grall-29	Y Rodriguez-40
N Berman-26	Y Gruters-22	N Rouson-16
N Book-35	Y Harrell-31	Y Simon-3
Y Boyd-20	Y Hooper-21	Stewart-17
Y Bradley-6	Y Hutson-7	N Thompson-15
Y Brodeur-10	Y Ingoglia-11	Y Torres-25
Y Broxson-1	N Jones-34	Y Trumbull-2
Y Burgess-23	Y Martin-33	Y Wright-8
Y Burton-12	Y Mayfield-19	Y Yarborough-4
Y Calatayud-38	Y Osgood-32	Y President Passidomo-28
Y Collins-14	Y Perry-9	
N Davis-5	Y Pizzo-37	

Y=Yea

N=Nay

EX=Excused

AV=Abstain

EXHIBIT 55

Sequence: 498
 Session Day: 59
 Calendar Page:

The Florida House of Representatives
 2023 Regular Session

Date: 05/04/2023
 Time: 06:44 PM

CS/CS/SB 264, 1st Eng.
 Passage

Yeas - 95

Nays - 17

Not Voting - 7

Presiding - Renner

Y Abbott-5	N Eskamani-42	Y Overdorf-85
Y Altman-32	Y Esposito-77	Y Payne-20
Y Alvarez-69	Y Fabricio-110	Y Perez-116
Y Amesty-45	Y Fernandez-Barquin-118	Y Persons-Mulicka-78
Y Anderson-57	Y Fine-33	Y Plakon-36
Y Andrade-2	Y Franklin-8	Y Plasencia-37
N Antone-41	Y Gantt-109	Y Porras-119
N Arrington-46	Y Garcia-115	Rayner-Goolsby-62
Y Baker-17	Y Garrison-11	Y Renner-19
Y Bankson-39	Y Giallombardo-79	Y Rizo-112
Y Barnaby-29	Y Gonzalez Pittman-65	Y Roach-76
N Bartleman-103	Y Gossett-Seidman-91	Y Robinson, F.-104
Y Basabe-106	N Gottlieb-102	Y Robinson, W.-71
Y Bell-49	Y Grant-75	Y Rommel-81
Y Beltran-70	Y Gregory-72	Y Roth-94
Y Benjamin-107	Y Griffiths-6	Y Rudman-3
Y Berfield-58	Harris-44	Y Salzman-1
Y Black-15	N Hart-63	Y Shoaf-7
Y Borrero-111	Y Hawkins-35	Y Silvers-89
Y Botana-80	N Hinson-21	Y Sirois-31
Y Brackett-34	Holcomb-53	Y Skidmore-92
Bracy Davis-40	Hunschofsky-95	Y Smith-38
Y Brannan-10	Y Jacques-59	Y Snyder-86
Y Buchanan-74	N Joseph-108	Y Stark-47
Y Busatta Cabrera-114	Y Killebrew-48	Y Steele-55
Y Campbell-99	Y Koster-66	Y Stevenson-18
Y Canady-50	Y LaMarca-100	N Tant-9
Y Caruso-87	Y Leek-28	Y Temple-52
Y Casello-90	N López, J.-43	Y Tomkow-51
Y Cassel-101	Y Lopez, V.-113	Y Trubusy-84
N Chambliss-117	Y Maggard-54	Y Tramont-30
Y Chaney-61	Y Maney-4	Y Truenow-26
Y Clemons-22	Y Massullo-23	Y Tuck-83
N Cross-60	Y McClain-27	N Valdés-64
Y Daley-96	Y McClure-68	Y Waldron-93
Daniels-14	Y McFarland-73	N Williams-98
N Driskell-67	Y Melo-82	N Woodson-105
Y Duggan-12	Y Michael-16	Y Yarkosky-25
N Dunkley-97	Y Mooney-120	Y Yeager-56
Y Edmonds-88	Nixon-13	

Y=Yea

N=Nay

EX=Excused

AV=Abstain

EXHIBIT 56

2023264e2

1 A bill to be entitled
2 An act relating to interests of foreign countries;
3 creating s. 287.138, F.S.; defining terms; prohibiting
4 governmental entities from knowingly entering into
5 certain contracts; prohibiting governmental entities
6 from taking specified actions after a specified date
7 relating to contracts that give certain access to
8 personal identifying information; providing an
9 exception; authorizing the Attorney General to bring a
10 civil action; providing penalties; requiring penalties
11 to be deposited into the General Revenue Fund;
12 requiring the Department of Management Services to
13 adopt rules; creating s. 288.007, F.S.; defining
14 terms; prohibiting governmental entities from
15 knowingly entering into certain contracts; requiring
16 governmental entities to require an affidavit from
17 applicants before providing any economic incentive;
18 requiring the Department of Economic Opportunity to
19 adopt rules; providing a directive to the Division of
20 Law Revision to create part III of ch. 692, F.S., to
21 be entitled "Conveyances to Foreign Entities";
22 creating s. 692.201, F.S.; defining terms; creating
23 ss. 692.202 and 692.203, F.S.; prohibiting foreign
24 principals from purchasing agricultural land, or
25 having more than a de minimus indirect interest in
26 such land, and certain real property in this state,
27 respectively; providing exceptions from ownership
28 restrictions; authorizing foreign principals to
29 continue to own or hold such land or property under

2023264e2

30 certain circumstances; requiring certain foreign
31 principals that own or acquire such land or real
32 property to register with a specified department;
33 requiring the Department of Agriculture and Consumer
34 Services and the Department of Economic Opportunity,
35 respectively, to establish a form for such
36 registration; providing civil penalties; authorizing
37 the Department of Agriculture and Consumer Services
38 and the Department of Economic Opportunity to place a
39 lien against unregistered agricultural land or real
40 property, respectively; requiring certain foreign
41 principals to sell, transfer, or otherwise divest
42 themselves of certain agricultural land or real
43 property within a specified timeframe; requiring
44 buyers of such land or property to provide a signed
45 affidavit; specifying that the failure to maintain or
46 obtain the affidavit does not affect the title or
47 insurability of the title for the agricultural land or
48 real property, respectively, or subject the closing
49 agent to certain liability; authorizing the Florida
50 Real Estate Commission to adopt rules; authorizing
51 that certain agricultural land or real property be
52 forfeited to the state; authorizing the Department of
53 Agriculture and Consumer Services and the Department
54 of Economic Opportunity to initiate civil actions for
55 forfeiture of the interest in agricultural land or
56 real property, respectively; requiring that such
57 actions be filed in a certain circuit court; requiring
58 clerks to record a lis pendens; requiring courts to

2023264e2

59 advance the cause on the calendar; authorizing
60 defendants to petition to modify or discharge the lis
61 pendens; requiring the court to enter a specified
62 final judgment under certain circumstances;
63 authorizing the Department of Agriculture and Consumer
64 Services and the Department of Economic Opportunity,
65 respectively, to sell the agricultural land or real
66 property; providing requirements for the proceeds from
67 such sale; authorizing the Department of Agriculture
68 and Consumer Services and the Department of Economic
69 Opportunity, respectively, to seek a specified ex
70 parte order; providing criminal penalties; requiring
71 the Department of Agriculture and Consumer Services
72 and the Department of Economic Opportunity,
73 respectively, to adopt rules; creating s. 692.204,
74 F.S.; prohibiting the People's Republic of China, the
75 Chinese Communist Party, any other political party or
76 member of a political party in the People's Republic
77 of China, and certain persons and entities from
78 purchasing or acquiring real property in this state or
79 having more than a de minimus indirect interest in
80 such real property; providing exceptions from
81 ownership restrictions; authorizing such persons and
82 entities to continue to own or hold such real property
83 under certain circumstances; requiring certain persons
84 or entities that own or acquire real property in this
85 state to register with the Department of Economic
86 Opportunity by a specified date; requiring the
87 Department of Economic Opportunity to establish a form

2023264e2

88 for such registration; providing civil penalties;
89 authorizing the Department of Economic Opportunity to
90 place a lien against unregistered real property;
91 requiring certain persons and entities to sell,
92 transfer, or otherwise divest themselves of certain
93 real property within a specified timeframe; requiring
94 buyers of real property to provide a signed affidavit;
95 specifying that the failure to maintain or obtain the
96 affidavit does not affect the title or insurability of
97 the title for the real property or subject the closing
98 agent to certain liability; authorizing the commission
99 to adopt rules; authorizing certain real property to
100 be forfeited to the state; authorizing the Department
101 of Economic Opportunity to initiate civil actions for
102 forfeiture of the interest in real property; requiring
103 such actions to be filed in a certain circuit court;
104 requiring clerks to record a lis pendens; requiring
105 courts to advance the cause on the calendar;
106 authorizing defendants to petition to modify or
107 discharge the lis pendens; requiring the court to
108 enter a specified final judgment under certain
109 circumstances; authorizing the Department of Economic
110 Opportunity to sell the real property; providing
111 requirements for the proceeds from such sale;
112 authorizing the Department of Economic Opportunity to
113 seek a specified ex parte order; providing criminal
114 penalties; requiring the Department of Economic
115 Opportunity to adopt rules; creating s. 692.205, F.S.;
116 providing an exception from ownership restrictions and

2023264e2

117 registration requirements for real property that is
118 used for diplomatic purposes; amending s. 408.051,
119 F.S.; defining the terms "cloud computing" and "health
120 care provider"; requiring that certain information
121 held by health care providers that utilize certified
122 electronic health record technology be maintained in
123 specified locations; providing applicability; amending
124 s. 408.810, F.S.; requiring a licensee to sign a
125 specified affidavit upon initial application for a
126 license and any renewal applications; authorizing
127 disciplinary action by the Agency for Health Care
128 Administration; prohibiting a person or entity that
129 possesses a controlling interest from holding an
130 interest in certain entities; providing definitions;
131 amending s. 836.05, F.S.; providing enhanced criminal
132 penalties for threatening a person while acting as a
133 foreign agent with the intent of benefiting a foreign
134 country of concern; providing an effective date.

135
136 Be It Enacted by the Legislature of the State of Florida:

137
138 Section 1. Section 287.138, Florida Statutes, is created to
139 read:

140 287.138 Contracting with entities of foreign countries of
141 concern prohibited.—

142 (1) As used in this section, the term:

143 (a) "Controlling interest" means possession of the power to
144 direct or cause the direction of the management or policies of a
145 company, whether through ownership of securities, by contract,

2023264e2

146 or otherwise. A person or entity that directly or indirectly has
147 the right to vote 25 percent or more of the voting interests of
148 the company or is entitled to 25 percent or more of its profits
149 is presumed to possess a controlling interest.

150 (b) "Department" means the Department of Management
151 Services.

152 (c) "Foreign country of concern" means the People's
153 Republic of China, the Russian Federation, the Islamic Republic
154 of Iran, the Democratic People's Republic of Korea, the Republic
155 of Cuba, the Venezuelan regime of Nicolás Maduro, or the Syrian
156 Arab Republic, including any agency of or any other entity of
157 significant control of such foreign country of concern.

158 (d) "Governmental entity" means any state, county,
159 district, authority, or municipal officer, department, division,
160 board, bureau, commission, or other separate unit of government
161 created or established by law including, but not limited to, the
162 Commission on Ethics, the Public Service Commission, the Office
163 of Public Counsel, and any other public or private agency,
164 person, partnership, corporation, or business entity acting on
165 behalf of any public agency.

166 (2) A governmental entity may not knowingly enter into a
167 contract with an entity which would give access to an
168 individual's personal identifying information if:

169 (a) The entity is owned by the government of a foreign
170 country of concern;

171 (b) The government of a foreign country of concern has a
172 controlling interest in the entity; or

173 (c) The entity is organized under the laws of or has its
174 principal place of business in a foreign country of concern.

2023264e2

175 (3) Beginning July 1, 2025, a governmental entity may not
176 extend or renew a contract with an entity listed in paragraphs
177 (2) (a)-(c) if the contract would give such entity access to an
178 individual's personal identifying information.

179 (4) (a) Beginning January 1, 2024, a governmental entity may
180 not accept a bid on, a proposal for, or a reply to, or enter
181 into, a contract with an entity which would grant the entity
182 access to an individual's personal identifying information
183 unless the entity provides the governmental entity with an
184 affidavit signed by an officer or representative of the entity
185 under penalty of perjury attesting that the entity does not meet
186 any of the criteria in paragraphs (2) (a)-(c).

187 (b) Beginning July 1, 2025, when an entity extends or
188 renews a contract with a governmental entity which would grant
189 the entity access to an individual's personal identifying
190 information, the entity must provide the governmental entity
191 with an affidavit signed by an officer or representative of the
192 entity under penalty of perjury attesting that the entity does
193 not meet any of the criteria in paragraphs (2) (a)-(c).

194 (5) The Attorney General may bring a civil action in any
195 court of competent jurisdiction against an entity that violates
196 this section. Violations of this section may result in:

197 (a) A civil penalty equal to twice the amount of the
198 contract for which the entity submitted a bid or proposal for,
199 replied to, or entered into;

200 (b) Ineligibility to enter into, renew, or extend any
201 contract, including any grant agreements, with any governmental
202 entity for up to 5 years;

203 (c) Ineligibility to receive or renew any license,

2023264e2

204 certification, or credential issued by a governmental entity for
205 up to 5 years; and

206 (d) Placement on the suspended vendor list pursuant to s.
207 287.1351.

208 (6) Any penalties collected under subsection (5) must be
209 deposited into the General Revenue Fund.

210 (7) The department shall adopt rules to implement this
211 section, including rules establishing the form for the affidavit
212 required under subsection (4).

213 Section 2. Section 288.007, Florida Statutes, is created to
214 read:

215 288.007 Economic incentives to foreign countries of concern
216 prohibited.-

217 (1) As used in this section, the term:

218 (a) "Controlled by" means having possession of the power to
219 direct or cause the direction of the management or policies of a
220 company, whether through ownership of securities, by contract,
221 or otherwise. A person or entity that directly or indirectly has
222 the right to vote 25 percent or more of the voting interests of
223 the company or that is entitled to 25 percent or more of its
224 profits is presumed to control the foreign entity.

225 (b) "Economic incentive" means all programs administered
226 by, or for which an applicant for the program must seek
227 certification, approval, or other action by, the department
228 under this chapter, chapter 212, or chapter 220; and all local
229 economic development programs, grants, or financial benefits
230 administered by a political subdivision or an agent thereof.

231 (c) "Foreign country of concern" has the same meaning as in
232 s. 692.201.

2023264e2

233 (d) "Foreign entity" means an entity that is:

234 1. Owned or controlled by the government of a foreign
235 country of concern; or

236 2. A partnership, association, corporation, organization,
237 or other combination of persons organized under the laws of or
238 having its principal place of business in a foreign country of
239 concern, or a subsidiary of such entity.

240 (e) "Government entity" means a state agency, a political
241 subdivision, or any other public or private agency, person,
242 partnership, corporation, or business entity acting on behalf of
243 any public agency.

244 (2) A government entity may not knowingly enter into an
245 agreement or contract for an economic incentive with a foreign
246 entity.

247 (3) Before providing any economic incentive, a government
248 entity must require the recipient or applicant to provide the
249 government entity with an affidavit signed under penalty of
250 perjury attesting that the recipient or applicant is not a
251 foreign entity.

252 (4) The department shall adopt rules to administer this
253 section, including rules establishing the form for the affidavit
254 required under subsection (3).

255 Section 3. The Division of Law Revision is directed to
256 create part III of chapter 692, Florida Statutes, consisting of
257 ss. 692.201, 692.202, 692.203, 692.204, and 692.205, Florida
258 Statutes, to be entitled "Conveyances to Foreign Entities."

259 Section 4. Section 692.201, Florida Statutes, is created to
260 read:

261 692.201 Definitions.—As used in this part, the term:

2023264e2

262 (1) "Agricultural land" means land classified as
263 agricultural under s. 193.461.

264 (2) "Critical infrastructure facility" means any of the
265 following, if it employs measures such as fences, barriers, or
266 guard posts that are designed to exclude unauthorized persons:

267 (a) A chemical manufacturing facility.

268 (b) A refinery.

269 (c) An electrical power plant as defined in s. 403.031(20).

270 (d) A water treatment facility or wastewater treatment
271 plant.

272 (e) A liquid natural gas terminal.

273 (f) A telecommunications central switching office.

274 (g) A gas processing plant, including a plant used in the
275 processing, treatment, or fractionation of natural gas.

276 (h) A seaport as listed in s. 311.09.

277 (i) A spaceport territory as defined in s. 331.303(18).

278 (j) An airport as defined in s. 333.01.

279 (3) "Foreign country of concern" means the People's
280 Republic of China, the Russian Federation, the Islamic Republic
281 of Iran, the Democratic People's Republic of Korea, the Republic
282 of Cuba, the Venezuelan regime of Nicolás Maduro, or the Syrian
283 Arab Republic, including any agency of or any other entity of
284 significant control of such foreign country of concern.

285 (4) "Foreign principal" means:

286 (a) The government or any official of the government of a
287 foreign country of concern;

288 (b) A political party or member of a political party or any
289 subdivision of a political party in a foreign country of
290 concern;

2023264e2

291 (c) A partnership, association, corporation, organization,
292 or other combination of persons organized under the laws of or
293 having its principal place of business in a foreign country of
294 concern, or a subsidiary of such entity; or

295 (d) Any person who is domiciled in a foreign country of
296 concern and is not a citizen or lawful permanent resident of the
297 United States.

298 (e) Any person, entity, or collection of persons or
299 entities, described in paragraphs (a) through (d) having a
300 controlling interest in a partnership, association, corporation,
301 organization, trust, or any other legal entity or subsidiary
302 formed for the purpose of owning real property in this state.

303 (5) "Military installation" means a base, camp, post,
304 station, yard, or center encompassing at least 10 contiguous
305 acres that is under the jurisdiction of the Department of
306 Defense or its affiliates.

307 (6) "Real property" means land, buildings, fixtures, and
308 all other improvements to land.

309 Section 5. Section 692.202, Florida Statutes, is created to
310 read:

311 692.202 Purchase of agricultural land by foreign principals
312 prohibited.-

313 (1) A foreign principal may not directly or indirectly own,
314 have a controlling interest in, or acquire by purchase, grant,
315 devise, or descent agricultural land or any interest, except a
316 de minimus indirect interest, in such land in this state. A
317 foreign principal has a de minimus indirect interest if any
318 ownership is the result of the foreign principal's ownership of
319 registered equities in a publicly traded company owning the land

2023264e2

320 and if the foreign principal's ownership interest in the company
321 is either:

322 (a) Less than 5 percent of any class of registered equities
323 or less than 5 percent in the aggregate in multiple classes of
324 registered equities; or

325 (b) A noncontrolling interest in an entity controlled by a
326 company that is both registered with the United States
327 Securities and Exchange Commission as an investment adviser
328 under the Investment Advisers Act of 1940, as amended, and is
329 not a foreign entity.

330 (2) A foreign principal that directly or indirectly owns or
331 acquires agricultural land or any interest in such land in this
332 state before July 1, 2023, may continue to own or hold such land
333 or interest, but may not purchase or otherwise acquire by grant,
334 devise, or descent any additional agricultural land or interest
335 in such land in this state.

336 (3) (a) A foreign principal that directly or indirectly owns
337 or acquires agricultural land or any interest in such land in
338 this state before July 1, 2023, must register with the
339 Department of Agriculture and Consumer Services by January 1,
340 2024. The department must establish a form for such
341 registration, which, at minimum, must include all of the
342 following:

343 1. The name of the owner of the agricultural land or the
344 owner of the interest in such land.

345 2. The address of the agricultural land, the property
346 appraiser's parcel identification number, and the property's
347 legal description.

348 3. The number of acres of the agricultural land.

2023264e2

349 (b) A foreign principal that fails to timely file a
350 registration with the department is subject to a civil penalty
351 of \$1,000 for each day that the registration is late. The
352 department may place a lien against the unregistered
353 agricultural land for the unpaid balance of any penalties
354 assessed under this paragraph.

355 (4) Notwithstanding subsection (1), a foreign principal may
356 acquire agricultural land on or after July 1, 2023, by devise or
357 descent, through the enforcement of security interests, or
358 through the collection of debts, provided that the foreign
359 principal sells, transfers, or otherwise divests itself of the
360 agricultural land within 3 years after acquiring the
361 agricultural land.

362 (5) (a) At the time of purchase, a buyer of agricultural
363 land or an interest in such land must provide an affidavit
364 signed under penalty of perjury attesting that the buyer is:

- 365 1. Not a foreign principal; and
366 2. In compliance with the requirements of this section.

367 (b) The failure to obtain or maintain the affidavit does
368 not:

369 1. Affect the title or insurability of the title for the
370 agricultural land; or

371 2. Subject the closing agent to civil or criminal
372 liability, unless the closing agent has actual knowledge that
373 the transaction will result in a violation of this section.

374 (c) The Florida Real Estate Commission shall adopt rules to
375 implement this subsection, including rules establishing the form
376 for the affidavit required under this subsection.

377 (6) (a) The agricultural land or an interest in such land

2023264e2

378 that is owned or acquired in violation of this section may be
379 forfeited to the state.

380 (b) The Department of Agriculture and Consumer Services may
381 initiate a civil action in the circuit court of the county in
382 which the property lies for the forfeiture of the agricultural
383 land or any interest therein.

384 (c) Upon filing such action, the clerk must record a lis
385 pendens in accordance with s. 48.23. The court must advance the
386 cause on the calendar. The defendant may at any time petition to
387 modify or discharge the lis pendens based upon a finding that
388 there is no probable cause to believe that the agricultural
389 land, or any portion thereof, is owned or held in violation of
390 this section.

391 (d) If the court finds that the agricultural land, or any
392 portion thereof, is owned or held in violation of this section,
393 the court must enter a final judgment of forfeiture vesting
394 title to the agricultural land in this state, subject only to
395 the rights and interests of bona fide lienholders, and such
396 final judgment relates back to the date of the lis pendens.

397 (e) The department may sell the agricultural land subject
398 to a final judgment of forfeiture. Any proceeds from the sale
399 must first be paid to any lienholders of the land, followed by
400 payment of any outstanding fines assessed pursuant to this
401 section, after which the department must be reimbursed for all
402 costs related to the forfeiture civil action and any costs
403 related to the sale of the land. Any remaining proceeds must be
404 paid to the property owner.

405 (f) At any time during the forfeiture proceeding the
406 department may seek an ex parte order of seizure of the

2023264e2

407 agricultural land upon a showing that the defendant's control of
408 the agricultural land constitutes a clear and present danger to
409 the state.

410 (7) A foreign principal that purchases or acquires
411 agricultural land or any interest therein in violation of this
412 section commits a misdemeanor of the second degree, punishable
413 as provided in s. 775.082 or s. 775.083.

414 (8) A person who knowingly sells agricultural land or any
415 interest therein in violation of this section commits a
416 misdemeanor of the second degree, punishable as provided in s.
417 775.082 or s. 775.083.

418 (9) The Department of Agriculture and Consumer Services
419 shall adopt rules to implement this section.

420 Section 6. Section 692.203, Florida Statutes, is created to
421 read:

422 692.203 Purchase of real property on or around military
423 installations or critical infrastructure facilities by foreign
424 principals prohibited.-

425 (1) A foreign principal may not directly or indirectly own,
426 or have a controlling interest in, or acquire by purchase,
427 grant, devise, or descent any interest, except a de minimus
428 indirect interest, in real property on or within 10 miles of any
429 military installation or critical infrastructure facility in
430 this state. A foreign principal has a de minimus indirect
431 interest if any ownership is the result of the foreign
432 principal's ownership of registered equities in a publicly
433 traded company owning the land and if the foreign principal's
434 ownership interest in the company is either:

435 (a) Less than 5 percent of any class of registered equities

2023264e2

436 or less than 5 percent in the aggregate in multiple classes of
437 registered equities; or

438 (b) A noncontrolling interest in an entity controlled by a
439 company that is both registered with the United States
440 Securities and Exchange Commission as an investment adviser
441 under the Investment Advisers Act of 1940, as amended, and is
442 not a foreign entity.

443 (2) A foreign principal that directly or indirectly owns or
444 acquires any interest in real property on or within 10 miles of
445 any military installation or critical infrastructure facility in
446 this state before July 1, 2023, may continue to own or hold such
447 real property, but may not purchase or otherwise acquire by
448 grant, devise, or descent any additional real property on or
449 within 10 miles of any military installation or critical
450 infrastructure facility in this state.

451 (3) (a) A foreign principal must register with the
452 Department of Economic Opportunity if the foreign principal owns
453 or acquires real property on or within 10 miles of any military
454 installation or critical infrastructure facility in this state
455 as authorized under subsection (4) or if the foreign principal
456 owned or acquired an interest, other than a de minimus indirect
457 interest, in such property before July 1, 2023. The department
458 must establish a form for such registration which, at a minimum,
459 must include all of the following:

460 1. The name of the owner of the real property.

461 2. The address of the real property, the property
462 appraiser's parcel identification number, and the property's
463 legal description.

464 (b) A foreign principal that fails to timely file a

2023264e2

465 registration with the department is subject to a civil penalty
466 of \$1,000 for each day that the registration is late. A foreign
467 principal must register a property interest owned before July 1,
468 2023, by December 31, 2023. The registration is considered to be
469 late after January 31, 2024. A foreign principal who owns or
470 acquires real property on or after July 1, 2023, as authorized
471 under subsection (4), must register the real property within 30
472 days after the property is owned or acquired. The department may
473 place a lien against the unregistered real property for the
474 unpaid balance of any penalties assessed under this paragraph.

475 (4) Notwithstanding subsection (1) a foreign principal who
476 is a natural person may purchase one residential real property
477 that is up to 2 acres in size if all of the following apply:

478 (a) The parcel is not on or within 5 miles of any military
479 installation in this state.

480 (b) The person has a current verified United States Visa
481 that is not limited to authorizing tourist-based travel or
482 official documentation confirming that the person has been
483 granted asylum in the United States, and such visa or
484 documentation authorizes the person to be legally present within
485 this state.

486 (c) The purchase is in the name of the person who holds the
487 visa or official documentation described in paragraph (b).

488 (5) Notwithstanding subsections (1) and (2), a foreign
489 principal may acquire real property or any interest therein
490 which is on or within 10 miles of any military installation or
491 critical infrastructure facility in this state on or after July
492 1, 2023, by devise or descent, through the enforcement of
493 security interests, or through the collection of debts, provided

2023264e2

494 that the foreign principal sells, transfers, or otherwise
495 divests itself of such real property within 3 years after
496 acquiring the real property.

497 (6) (a) At the time of purchase, a buyer of the real
498 property that is on or within 10 miles of any military
499 installation or critical infrastructure facility in this state
500 must provide an affidavit signed under penalty of perjury
501 attesting that the buyer is:

502 1. Not a foreign principal or not a foreign principal
503 prohibited from purchasing the subject real property; and

504 2. In compliance with the requirements of this section.

505 (b) The failure to obtain or maintain the affidavit does
506 not:

507 1. Affect the title or insurability of the title for the
508 real property; or

509 2. Subject the closing agent to civil or criminal
510 liability, unless the closing agent has actual knowledge that
511 the transaction will result in a violation of this section.

512 (c) The Florida Real Estate Commission shall adopt rules to
513 implement this subsection, including rules establishing the form
514 for the affidavit required under this subsection.

515 (7) (a) If any real property is owned or acquired in
516 violation of this section, the real property may be forfeited to
517 the state.

518 (b) The Department of Economic Opportunity may initiate a
519 civil action in the circuit court of the county in which the
520 property lies for the forfeiture of the real property or any
521 interest therein.

522 (c) Upon filing such action, the clerk must record a lis

2023264e2

523 pendens in accordance with s. 48.23. The court must advance the
524 cause on the calendar. The defendant may at any time petition to
525 modify or discharge the lis pendens based upon a finding that
526 there is no probable cause to believe that the real property, or
527 any portion thereof, is owned or held in violation of this
528 section.

529 (d) If the court finds that the real property, or any
530 portion thereof, is owned or held in violation of this section,
531 the court must enter a final judgment of forfeiture vesting
532 title to the real property in this state, subject only to the
533 rights and interests of bona fide lienholders, and such final
534 judgment relates back to the date of the lis pendens.

535 (e) The department may sell the real property subject to a
536 final judgment of forfeiture. Any proceeds from the sale must
537 first be paid to any lienholders of the land, followed by
538 payment of any outstanding fines assessed pursuant to this
539 section, after which the department must be reimbursed for all
540 costs related to the forfeiture civil action and any costs
541 related to the sale of the land. Any remaining proceeds must be
542 paid to the property owner.

543 (f) At any time during the forfeiture proceeding the
544 department may seek an ex parte order of seizure of the real
545 property upon a showing that the defendant's control of the real
546 property constitutes a clear and present danger to the state.

547 (8) A foreign principal that purchases or acquires real
548 property or any interest therein in violation of this section
549 commits a misdemeanor of the second degree, punishable as
550 provided in s. 775.082 or s. 775.083.

551 (9) A person who knowingly sells real property or any

2023264e2

552 interest therein in violation of this section commits a
553 misdemeanor of the second degree, punishable as provided in s.
554 775.082 or s. 775.083.

555 (10) The Department of Economic Opportunity shall adopt
556 rules to implement this section.

557 Section 7. Section 692.204, Florida Statutes, is created to
558 read:

559 692.204 Purchase or acquisition of real property by the
560 People's Republic of China prohibited.-

561 (1) (a) The following persons or entities may not directly
562 or indirectly own, have a controlling interest in, or acquire by
563 purchase, grant, devise, or descent any interest, except a de
564 minus indirect interest, in real property in this state:

565 1. The People's Republic of China, the Chinese Communist
566 Party, or any official or member of the People's Republic of
567 China or the Chinese Communist Party.

568 2. Any other political party or member of a political party
569 or a subdivision of a political party in the People's Republic
570 of China.

571 3. A partnership, an association, a corporation, an
572 organization, or any other combination of persons organized
573 under the laws of or having its principal place of business in
574 the People's Republic of China, or a subsidiary of such entity.

575 4. Any person who is domiciled in the People's Republic of
576 China and who is not a citizen or lawful permanent resident of
577 the United States.

578 5. Any person, entity, or collection of persons or entities
579 described in subparagraphs 1. through 4. having a controlling
580 interest in a partnership, association, corporation,

2023264e2

581 organization, trust, or any other legal entity or subsidiary
582 formed for the purpose of owning real property in this state.

583 (b) A person or entity has a de minimus indirect interest
584 if any ownership is the result of the person's or entity's
585 ownership of registered equities in a publicly traded company
586 owning the land and if the person's or entity's ownership
587 interest in the company is either:

588 1. Less than 5 percent of any class of registered equities
589 or less than 5 percent in the aggregate in multiple classes of
590 registered equities; or

591 2. A noncontrolling interest in an entity controlled by a
592 company that is both registered with the United States
593 Securities and Exchange Commission as an investment adviser
594 under the Investment Advisers Act of 1940, as amended, and is
595 not a foreign entity.

596 (2) Notwithstanding subsection (1), a natural person
597 described in paragraph (1)(a) may purchase one residential real
598 property that is up to 2 acres in size if all of the following
599 apply:

600 (a) The parcel is not on or within 5 miles of any military
601 installation in this state.

602 (b) The person has a current verified United States Visa
603 that is not limited to authorizing tourist-based travel or
604 official documentation confirming that the person has been
605 granted asylum in the United States and such visa or
606 documentation authorizes the person to be legally present within
607 this state.

608 (c) The purchase is in the name of the person who holds the
609 visa or official documentation described in paragraph (b).

2023264e2

610 (3) A person or entity described in paragraph (1)(a) that
611 directly or indirectly owns or acquires any interest in real
612 property in this state before July 1, 2023, may continue to own
613 or hold such real property, but may not purchase or otherwise
614 acquire by grant, devise, or descent any additional real
615 property in this state.

616 (4)(a) A person or entity described in paragraph (1)(a),
617 subsection (2), or subsection (5) must register with the
618 Department of Economic Opportunity if the person or entity owns
619 or acquires more than a de minimus indirect interest in real
620 property in this state. The department must establish a form for
621 such registration which, at a minimum, must include all of the
622 following:

- 623 1. The name of the owner of the real property.
624 2. The address of the real property, the property
625 appraiser's parcel identification number, and the property's
626 legal description.

627 (b) A person or entity that fails to timely file a
628 registration with the department is subject to a civil penalty
629 of \$1,000 for each day that the registration is late. The person
630 or entity subject to the registration requirements must register
631 the property or property interests owned or acquired before July
632 1, 2023, by December 31, 2023. The registration is considered to
633 be late 30 days after January 31, 2024. A person or entity that
634 owns or acquires real property or an interest in real property
635 as authorized under subsection (2) or subsection (5), other than
636 a de minimus indirect interest, on or after July 1, 2023, must
637 register the real property or interest within 30 days after the
638 property or interest is owned or acquired. The department may

2023264e2

639 place a lien against the unregistered real property for the
640 unpaid balance of any penalties assessed under this paragraph.

641 (5) Notwithstanding subsection (1), a person or an entity
642 described in paragraph (1)(a) may acquire real property in this
643 state on or after July 1, 2023, by devise or descent, through
644 the enforcement of security interests, or through the collection
645 of debts, provided that the person or entity sells, transfers,
646 or otherwise divests itself of such real property within 3 years
647 after acquiring the real property, unless the person or entity
648 is exempt under s. 692.205.

649 (6) (a) At the time of purchase, a buyer of real property in
650 this state must provide an affidavit signed under penalty of
651 perjury attesting that the buyer is:

652 1. Not a person or entity described in paragraph (1)(a) or
653 that the buyer is a person described in paragraph (1)(a) but is
654 authorized under subsection (2) to purchase the subject
655 property; and

656 2. In compliance with the requirements of this section.

657 (b) The failure to obtain or maintain the affidavit does
658 not:

659 1. Affect the title or insurability of the title for the
660 real property; or

661 2. Subject the closing agent to civil or criminal
662 liability, unless the closing agent has actual knowledge that
663 the transaction will result in a violation of this section.

664 (c) The Florida Real Estate Commission shall adopt rules to
665 implement this subsection, including rules establishing the form
666 for the affidavit required under this subsection.

667 (7) (a) If any real property is owned or acquired in

2023264e2

668 violation of this section, the real property may be forfeited to
669 the state.

670 (b) The Department of Economic Opportunity may initiate a
671 civil action in the circuit court of the county in which the
672 property lies for the forfeiture of the real property or any
673 interest therein.

674 (c) Upon filing such action, the clerk must record a lis
675 pendens in accordance with s. 48.23. The court must advance the
676 cause on the calendar. The defendant may at any time petition to
677 modify or discharge the lis pendens based upon a finding that
678 there is no probable cause to believe that the real property, or
679 any portion thereof, is owned or held in violation of this
680 section.

681 (d) If the court finds that the real property, or any
682 portion thereof, is owned or held in violation of this section,
683 the court must enter a final judgment of forfeiture vesting
684 title to the real property in this state, subject only to the
685 rights and interests of bona fide lienholders, and such final
686 judgment relates back to the date of the lis pendens.

687 (e) The department may sell the real property subject to a
688 final judgment of forfeiture. Any proceeds from the sale must
689 first be paid to any lienholders of the land, followed by
690 payment of any outstanding fines assessed pursuant to this
691 section, after which the department must be reimbursed for all
692 costs related to the forfeiture civil action and any costs
693 related to the sale of the land. Any remaining proceeds must be
694 paid to the property owner.

695 (f) At any time during the forfeiture proceeding the
696 department may seek an ex parte order of seizure of the real

2023264e2

697 property upon a showing that the defendant's control of the real
698 property constitutes a clear and present danger to the state.

699 (8) A violation of this section constitutes a felony of the
700 third degree, punishable as provided in s. 775.082, s. 775.083,
701 or s. 775.084.

702 (9) A person who knowingly sells real property or any
703 interest therein in violation of this section commits a
704 misdemeanor of the first degree, punishable as provided in s.
705 775.082 or s. 775.083.

706 (10) The Department of Economic Opportunity shall adopt
707 rules to implement this section.

708 Section 8. Section 692.205, Florida Statutes, is created to
709 read:

710 692.205 Inapplicability of this part to real property for
711 diplomatic purposes.—This part does not apply to a foreign
712 principal that acquires real property for a diplomatic purpose
713 that is recognized, acknowledged, or allowed by the Federal
714 Government.

715 Section 9. Present subsections (3), (4), and (5) of section
716 408.051, Florida Statutes, are redesignated as subsections (4),
717 (5), and (6), respectively, a new subsection (3) is added to
718 that section, and subsection (2) of that section is reordered
719 and amended, to read:

720 408.051 Florida Electronic Health Records Exchange Act.—

721 (2) DEFINITIONS.—As used in this section, the term:

722 (c)~~(a)~~ "Electronic health record" means a record of a
723 person's medical treatment which is created by a licensed health
724 care provider and stored in an interoperable and accessible
725 digital format.

2023264e2

726 (i)~~(b)~~ "Qualified electronic health record" means an
727 electronic record of health-related information concerning an
728 individual which includes patient demographic and clinical
729 health information, such as medical history and problem lists,
730 and which has the capacity to provide clinical decision support,
731 to support physician order entry, to capture and query
732 information relevant to health care quality, and to exchange
733 electronic health information with, and integrate such
734 information from, other sources.

735 (a)~~(e)~~ "Certified electronic health record technology"
736 means a qualified electronic health record that is certified
737 pursuant to s. 3001(c)(5) of the Public Health Service Act as
738 meeting standards adopted under s. 3004 of such act which are
739 applicable to the type of record involved, such as an ambulatory
740 electronic health record for office-based physicians or an
741 inpatient hospital electronic health record for hospitals.

742 (b) "Cloud computing" has the same meaning as in s.
743 282.0041.

744 (d) "Health care provider" means any of the following:

745 1. A provider as defined in s. 408.803.

746 2. A health care practitioner as defined in s. 456.001.

747 3. A health care professional certified under part IV of
748 chapter 468.

749 4. A home health aide as defined in s. 400.462.

750 5. A service provider as defined in s. 394.455 and the
751 service provider's clinical and nonclinical staff who provide
752 inpatient or outpatient services.

753 6. A continuing care facility licensed under chapter 651.

754 7. A pharmacy permitted under chapter 465.

2023264e2

755 (e)~~(d)~~ "Health record" means any information, recorded in
756 any form or medium, which relates to the past, present, or
757 future health of an individual for the primary purpose of
758 providing health care and health-related services.

759 (f)~~(e)~~ "Identifiable health record" means any health record
760 that identifies the patient or with respect to which there is a
761 reasonable basis to believe the information can be used to
762 identify the patient.

763 (g)~~(f)~~ "Patient" means an individual who has sought, is
764 seeking, is undergoing, or has undergone care or treatment in a
765 health care facility or by a health care provider.

766 (h)~~(g)~~ "Patient representative" means a parent of a minor
767 patient, a court-appointed guardian for the patient, a health
768 care surrogate, or a person holding a power of attorney or
769 notarized consent appropriately executed by the patient granting
770 permission to a health care facility or health care provider to
771 disclose the patient's health care information to that person.
772 In the case of a deceased patient, the term also means the
773 personal representative of the estate of the deceased patient;
774 the deceased patient's surviving spouse, surviving parent, or
775 surviving adult child; the parent or guardian of a surviving
776 minor child of the deceased patient; the attorney for the
777 patient's surviving spouse, parent, or adult child; or the
778 attorney for the parent or guardian of a surviving minor child.

779 (3) SECURITY AND STORAGE OF PERSONAL MEDICAL INFORMATION.—
780 In addition to the requirements in 45 C.F.R. part 160 and
781 subparts A and C of part 164, a health care provider that
782 utilizes certified electronic health record technology must
783 ensure that all patient information stored in an offsite

2023264e2

784 physical or virtual environment, including through a third-party
785 or subcontracted computing facility or an entity providing cloud
786 computing services, is physically maintained in the continental
787 United States or its territories or Canada. This subsection
788 applies to all qualified electronic health records that are
789 stored using any technology that can allow information to be
790 electronically retrieved, accessed, or transmitted.

791 Section 10. Subsections (14) and (15) are added to section
792 408.810, Florida Statutes, to read:

793 408.810 Minimum licensure requirements.—In addition to the
794 licensure requirements specified in this part, authorizing
795 statutes, and applicable rules, each applicant and licensee must
796 comply with the requirements of this section in order to obtain
797 and maintain a license.

798 (14) The licensee must sign an affidavit at the time of his
799 or her initial application for a license and on any renewal
800 applications thereafter that attests under penalty of perjury
801 that he or she is in compliance with s. 408.051(3). The licensee
802 must remain in compliance with s. 408.051(3) or the licensee
803 shall be subject to disciplinary action by the agency.

804 (15) (a) The licensee must ensure that a person or entity
805 who possesses a controlling interest does not hold, either
806 directly or indirectly, regardless of ownership structure, an
807 interest in an entity that has a business relationship with a
808 foreign country of concern or that is subject to s. 287.135.

809 (b) For purposes of this subsection, the term:

810 1. "Business relationship" means engaging in commerce in
811 any form, including, but not limited to, acquiring, developing,
812 maintaining, owning, selling, possessing, leasing, or operating

2023264e2

813 equipment, facilities, personnel, products, services, personal
814 property, real property, military equipment, or any other
815 apparatus of business or commerce.

816 2. "Foreign country of concern" has the same meaning as in
817 s. 692.201.

818 3. "Interest" has the same meaning as in s. 286.101(1).

819 Section 11. Section 836.05, Florida Statutes, is amended to
820 read:

821 836.05 Threats; extortion.—

822 (1) Whoever, either verbally or by a written or printed
823 communication, maliciously threatens to accuse another of any
824 crime or offense, or by such communication maliciously threatens
825 an injury to the person, property or reputation of another, or
826 maliciously threatens to expose another to disgrace, or to
827 expose any secret affecting another, or to impute any deformity
828 or lack of chastity to another, with intent thereby to extort
829 money or any pecuniary advantage whatsoever, or with intent to
830 compel the person so threatened, or any other person, to do any
831 act or refrain from doing any act against his or her will,
832 commits shall be guilty of a felony of the second degree,
833 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

834 (2) A person who commits a violation of subsection (1) and
835 at the time of the violation is acting as a foreign agent, as
836 defined in s. 812.081(1), with the intent of benefiting a
837 foreign country of concern, as defined in s. 692.201, commits a
838 felony of the first degree, punishable as provided in s.
839 775.082, s. 775.083, or s. 775.084.

840 Section 12. This act shall take effect July 1, 2023.

EXHIBIT 57

2023264er

1
2 An act relating to interests of foreign countries;
3 creating s. 287.138, F.S.; defining terms; prohibiting
4 governmental entities from knowingly entering into
5 certain contracts; prohibiting governmental entities
6 from taking specified actions after a specified date
7 relating to contracts that give certain access to
8 personal identifying information; providing an
9 exception; authorizing the Attorney General to bring a
10 civil action; providing penalties; requiring penalties
11 to be deposited into the General Revenue Fund;
12 requiring the Department of Management Services to
13 adopt rules; creating s. 288.007, F.S.; defining
14 terms; prohibiting governmental entities from
15 knowingly entering into certain contracts; requiring
16 governmental entities to require an affidavit from
17 applicants before providing any economic incentive;
18 requiring the Department of Economic Opportunity to
19 adopt rules; providing a directive to the Division of
20 Law Revision to create part III of ch. 692, F.S., to
21 be entitled "Conveyances to Foreign Entities";
22 creating s. 692.201, F.S.; defining terms; creating
23 ss. 692.202 and 692.203, F.S.; prohibiting foreign
24 principals from purchasing agricultural land, or
25 having more than a de minimus indirect interest in
26 such land, and certain real property in this state,
27 respectively; providing exceptions from ownership
28 restrictions; authorizing foreign principals to
29 continue to own or hold such land or property under

2023264er

30 certain circumstances; requiring certain foreign
31 principals that own or acquire such land or real
32 property to register with a specified department;
33 requiring the Department of Agriculture and Consumer
34 Services and the Department of Economic Opportunity,
35 respectively, to establish a form for such
36 registration; providing civil penalties; authorizing
37 the Department of Agriculture and Consumer Services
38 and the Department of Economic Opportunity to place a
39 lien against unregistered agricultural land or real
40 property, respectively; requiring certain foreign
41 principals to sell, transfer, or otherwise divest
42 themselves of certain agricultural land or real
43 property within a specified timeframe; requiring
44 buyers of such land or property to provide a signed
45 affidavit; specifying that the failure to maintain or
46 obtain the affidavit does not affect the title or
47 insurability of the title for the agricultural land or
48 real property, respectively, or subject the closing
49 agent to certain liability; authorizing the Florida
50 Real Estate Commission to adopt rules; authorizing
51 that certain agricultural land or real property be
52 forfeited to the state; authorizing the Department of
53 Agriculture and Consumer Services and the Department
54 of Economic Opportunity to initiate civil actions for
55 forfeiture of the interest in agricultural land or
56 real property, respectively; requiring that such
57 actions be filed in a certain circuit court; requiring
58 clerks to record a lis pendens; requiring courts to

2023264er

59 advance the cause on the calendar; authorizing
60 defendants to petition to modify or discharge the lis
61 pendens; requiring the court to enter a specified
62 final judgment under certain circumstances;
63 authorizing the Department of Agriculture and Consumer
64 Services and the Department of Economic Opportunity,
65 respectively, to sell the agricultural land or real
66 property; providing requirements for the proceeds from
67 such sale; authorizing the Department of Agriculture
68 and Consumer Services and the Department of Economic
69 Opportunity, respectively, to seek a specified ex
70 parte order; providing criminal penalties; requiring
71 the Department of Agriculture and Consumer Services
72 and the Department of Economic Opportunity,
73 respectively, to adopt rules; creating s. 692.204,
74 F.S.; prohibiting the People's Republic of China, the
75 Chinese Communist Party, any other political party or
76 member of a political party in the People's Republic
77 of China, and certain persons and entities from
78 purchasing or acquiring real property in this state or
79 having more than a de minimus indirect interest in
80 such real property; providing exceptions from
81 ownership restrictions; authorizing such persons and
82 entities to continue to own or hold such real property
83 under certain circumstances; requiring certain persons
84 or entities that own or acquire real property in this
85 state to register with the Department of Economic
86 Opportunity by a specified date; requiring the
87 Department of Economic Opportunity to establish a form

2023264er

88 for such registration; providing civil penalties;
89 authorizing the Department of Economic Opportunity to
90 place a lien against unregistered real property;
91 requiring certain persons and entities to sell,
92 transfer, or otherwise divest themselves of certain
93 real property within a specified timeframe; requiring
94 buyers of real property to provide a signed affidavit;
95 specifying that the failure to maintain or obtain the
96 affidavit does not affect the title or insurability of
97 the title for the real property or subject the closing
98 agent to certain liability; authorizing the commission
99 to adopt rules; authorizing certain real property to
100 be forfeited to the state; authorizing the Department
101 of Economic Opportunity to initiate civil actions for
102 forfeiture of the interest in real property; requiring
103 such actions to be filed in a certain circuit court;
104 requiring clerks to record a lis pendens; requiring
105 courts to advance the cause on the calendar;
106 authorizing defendants to petition to modify or
107 discharge the lis pendens; requiring the court to
108 enter a specified final judgment under certain
109 circumstances; authorizing the Department of Economic
110 Opportunity to sell the real property; providing
111 requirements for the proceeds from such sale;
112 authorizing the Department of Economic Opportunity to
113 seek a specified ex parte order; providing criminal
114 penalties; requiring the Department of Economic
115 Opportunity to adopt rules; creating s. 692.205, F.S.;
116 providing an exception from ownership restrictions and

2023264er

117 registration requirements for real property that is
118 used for diplomatic purposes; amending s. 408.051,
119 F.S.; defining the terms "cloud computing" and "health
120 care provider"; requiring that certain information
121 held by health care providers that utilize certified
122 electronic health record technology be maintained in
123 specified locations; providing applicability; amending
124 s. 408.810, F.S.; requiring a licensee to sign a
125 specified affidavit upon initial application for a
126 license and any renewal applications; authorizing
127 disciplinary action by the Agency for Health Care
128 Administration; prohibiting a person or entity that
129 possesses a controlling interest from holding an
130 interest in certain entities; providing definitions;
131 amending s. 836.05, F.S.; providing enhanced criminal
132 penalties for threatening a person while acting as a
133 foreign agent with the intent of benefiting a foreign
134 country of concern; providing an effective date.

135
136 Be It Enacted by the Legislature of the State of Florida:

137
138 Section 1. Section 287.138, Florida Statutes, is created to
139 read:

140 287.138 Contracting with entities of foreign countries of
141 concern prohibited.—

142 (1) As used in this section, the term:

143 (a) "Controlling interest" means possession of the power to
144 direct or cause the direction of the management or policies of a
145 company, whether through ownership of securities, by contract,

2023264er

146 or otherwise. A person or entity that directly or indirectly has
147 the right to vote 25 percent or more of the voting interests of
148 the company or is entitled to 25 percent or more of its profits
149 is presumed to possess a controlling interest.

150 (b) "Department" means the Department of Management
151 Services.

152 (c) "Foreign country of concern" means the People's
153 Republic of China, the Russian Federation, the Islamic Republic
154 of Iran, the Democratic People's Republic of Korea, the Republic
155 of Cuba, the Venezuelan regime of Nicolás Maduro, or the Syrian
156 Arab Republic, including any agency of or any other entity of
157 significant control of such foreign country of concern.

158 (d) "Governmental entity" means any state, county,
159 district, authority, or municipal officer, department, division,
160 board, bureau, commission, or other separate unit of government
161 created or established by law including, but not limited to, the
162 Commission on Ethics, the Public Service Commission, the Office
163 of Public Counsel, and any other public or private agency,
164 person, partnership, corporation, or business entity acting on
165 behalf of any public agency.

166 (2) A governmental entity may not knowingly enter into a
167 contract with an entity which would give access to an
168 individual's personal identifying information if:

169 (a) The entity is owned by the government of a foreign
170 country of concern;

171 (b) The government of a foreign country of concern has a
172 controlling interest in the entity; or

173 (c) The entity is organized under the laws of or has its
174 principal place of business in a foreign country of concern.

2023264er

175 (3) Beginning July 1, 2025, a governmental entity may not
176 extend or renew a contract with an entity listed in paragraphs
177 (2) (a)-(c) if the contract would give such entity access to an
178 individual's personal identifying information.

179 (4) (a) Beginning January 1, 2024, a governmental entity may
180 not accept a bid on, a proposal for, or a reply to, or enter
181 into, a contract with an entity which would grant the entity
182 access to an individual's personal identifying information
183 unless the entity provides the governmental entity with an
184 affidavit signed by an officer or representative of the entity
185 under penalty of perjury attesting that the entity does not meet
186 any of the criteria in paragraphs (2) (a)-(c).

187 (b) Beginning July 1, 2025, when an entity extends or
188 renews a contract with a governmental entity which would grant
189 the entity access to an individual's personal identifying
190 information, the entity must provide the governmental entity
191 with an affidavit signed by an officer or representative of the
192 entity under penalty of perjury attesting that the entity does
193 not meet any of the criteria in paragraphs (2) (a)-(c).

194 (5) The Attorney General may bring a civil action in any
195 court of competent jurisdiction against an entity that violates
196 this section. Violations of this section may result in:

197 (a) A civil penalty equal to twice the amount of the
198 contract for which the entity submitted a bid or proposal for,
199 replied to, or entered into;

200 (b) Ineligibility to enter into, renew, or extend any
201 contract, including any grant agreements, with any governmental
202 entity for up to 5 years;

203 (c) Ineligibility to receive or renew any license,

2023264er

204 certification, or credential issued by a governmental entity for
205 up to 5 years; and

206 (d) Placement on the suspended vendor list pursuant to s.
207 287.1351.

208 (6) Any penalties collected under subsection (5) must be
209 deposited into the General Revenue Fund.

210 (7) The department shall adopt rules to implement this
211 section, including rules establishing the form for the affidavit
212 required under subsection (4).

213 Section 2. Section 288.007, Florida Statutes, is created to
214 read:

215 288.007 Economic incentives to foreign countries of concern
216 prohibited.—

217 (1) As used in this section, the term:

218 (a) "Controlled by" means having possession of the power to
219 direct or cause the direction of the management or policies of a
220 company, whether through ownership of securities, by contract,
221 or otherwise. A person or entity that directly or indirectly has
222 the right to vote 25 percent or more of the voting interests of
223 the company or that is entitled to 25 percent or more of its
224 profits is presumed to control the foreign entity.

225 (b) "Economic incentive" means all programs administered
226 by, or for which an applicant for the program must seek
227 certification, approval, or other action by, the department
228 under this chapter, chapter 212, or chapter 220; and all local
229 economic development programs, grants, or financial benefits
230 administered by a political subdivision or an agent thereof.

231 (c) "Foreign country of concern" has the same meaning as in
232 s. 692.201.

2023264er

233 (d) "Foreign entity" means an entity that is:

234 1. Owned or controlled by the government of a foreign
235 country of concern; or

236 2. A partnership, association, corporation, organization,
237 or other combination of persons organized under the laws of or
238 having its principal place of business in a foreign country of
239 concern, or a subsidiary of such entity.

240 (e) "Government entity" means a state agency, a political
241 subdivision, or any other public or private agency, person,
242 partnership, corporation, or business entity acting on behalf of
243 any public agency.

244 (2) A government entity may not knowingly enter into an
245 agreement or contract for an economic incentive with a foreign
246 entity.

247 (3) Before providing any economic incentive, a government
248 entity must require the recipient or applicant to provide the
249 government entity with an affidavit signed under penalty of
250 perjury attesting that the recipient or applicant is not a
251 foreign entity.

252 (4) The department shall adopt rules to administer this
253 section, including rules establishing the form for the affidavit
254 required under subsection (3).

255 Section 3. The Division of Law Revision is directed to
256 create part III of chapter 692, Florida Statutes, consisting of
257 ss. 692.201, 692.202, 692.203, 692.204, and 692.205, Florida
258 Statutes, to be entitled "Conveyances to Foreign Entities."

259 Section 4. Section 692.201, Florida Statutes, is created to
260 read:

261 692.201 Definitions.—As used in this part, the term:

2023264er

- 262 (1) "Agricultural land" means land classified as
263 agricultural under s. 193.461.
- 264 (2) "Critical infrastructure facility" means any of the
265 following, if it employs measures such as fences, barriers, or
266 guard posts that are designed to exclude unauthorized persons:
- 267 (a) A chemical manufacturing facility.
268 (b) A refinery.
269 (c) An electrical power plant as defined in s. 403.031(20).
270 (d) A water treatment facility or wastewater treatment
271 plant.
- 272 (e) A liquid natural gas terminal.
273 (f) A telecommunications central switching office.
274 (g) A gas processing plant, including a plant used in the
275 processing, treatment, or fractionation of natural gas.
- 276 (h) A seaport as listed in s. 311.09.
277 (i) A spaceport territory as defined in s. 331.303(18).
278 (j) An airport as defined in s. 333.01.
- 279 (3) "Foreign country of concern" means the People's
280 Republic of China, the Russian Federation, the Islamic Republic
281 of Iran, the Democratic People's Republic of Korea, the Republic
282 of Cuba, the Venezuelan regime of Nicolás Maduro, or the Syrian
283 Arab Republic, including any agency of or any other entity of
284 significant control of such foreign country of concern.
- 285 (4) "Foreign principal" means:
- 286 (a) The government or any official of the government of a
287 foreign country of concern;
- 288 (b) A political party or member of a political party or any
289 subdivision of a political party in a foreign country of
290 concern;

2023264er

291 (c) A partnership, association, corporation, organization,
292 or other combination of persons organized under the laws of or
293 having its principal place of business in a foreign country of
294 concern, or a subsidiary of such entity; or

295 (d) Any person who is domiciled in a foreign country of
296 concern and is not a citizen or lawful permanent resident of the
297 United States.

298 (e) Any person, entity, or collection of persons or
299 entities, described in paragraphs (a) through (d) having a
300 controlling interest in a partnership, association, corporation,
301 organization, trust, or any other legal entity or subsidiary
302 formed for the purpose of owning real property in this state.

303 (5) "Military installation" means a base, camp, post,
304 station, yard, or center encompassing at least 10 contiguous
305 acres that is under the jurisdiction of the Department of
306 Defense or its affiliates.

307 (6) "Real property" means land, buildings, fixtures, and
308 all other improvements to land.

309 Section 5. Section 692.202, Florida Statutes, is created to
310 read:

311 692.202 Purchase of agricultural land by foreign principals
312 prohibited.—

313 (1) A foreign principal may not directly or indirectly own,
314 have a controlling interest in, or acquire by purchase, grant,
315 devise, or descent agricultural land or any interest, except a
316 de minimus indirect interest, in such land in this state. A
317 foreign principal has a de minimus indirect interest if any
318 ownership is the result of the foreign principal's ownership of
319 registered equities in a publicly traded company owning the land

2023264er

320 and if the foreign principal's ownership interest in the company
321 is either:

322 (a) Less than 5 percent of any class of registered equities
323 or less than 5 percent in the aggregate in multiple classes of
324 registered equities; or

325 (b) A noncontrolling interest in an entity controlled by a
326 company that is both registered with the United States
327 Securities and Exchange Commission as an investment adviser
328 under the Investment Advisers Act of 1940, as amended, and is
329 not a foreign entity.

330 (2) A foreign principal that directly or indirectly owns or
331 acquires agricultural land or any interest in such land in this
332 state before July 1, 2023, may continue to own or hold such land
333 or interest, but may not purchase or otherwise acquire by grant,
334 devise, or descent any additional agricultural land or interest
335 in such land in this state.

336 (3) (a) A foreign principal that directly or indirectly owns
337 or acquires agricultural land or any interest in such land in
338 this state before July 1, 2023, must register with the
339 Department of Agriculture and Consumer Services by January 1,
340 2024. The department must establish a form for such
341 registration, which, at minimum, must include all of the
342 following:

343 1. The name of the owner of the agricultural land or the
344 owner of the interest in such land.

345 2. The address of the agricultural land, the property
346 appraiser's parcel identification number, and the property's
347 legal description.

348 3. The number of acres of the agricultural land.

2023264er

349 (b) A foreign principal that fails to timely file a
350 registration with the department is subject to a civil penalty
351 of \$1,000 for each day that the registration is late. The
352 department may place a lien against the unregistered
353 agricultural land for the unpaid balance of any penalties
354 assessed under this paragraph.

355 (4) Notwithstanding subsection (1), a foreign principal may
356 acquire agricultural land on or after July 1, 2023, by devise or
357 descent, through the enforcement of security interests, or
358 through the collection of debts, provided that the foreign
359 principal sells, transfers, or otherwise divests itself of the
360 agricultural land within 3 years after acquiring the
361 agricultural land.

362 (5) (a) At the time of purchase, a buyer of agricultural
363 land or an interest in such land must provide an affidavit
364 signed under penalty of perjury attesting that the buyer is:

- 365 1. Not a foreign principal; and
366 2. In compliance with the requirements of this section.

367 (b) The failure to obtain or maintain the affidavit does
368 not:

- 369 1. Affect the title or insurability of the title for the
370 agricultural land; or

- 371 2. Subject the closing agent to civil or criminal
372 liability, unless the closing agent has actual knowledge that
373 the transaction will result in a violation of this section.

374 (c) The Florida Real Estate Commission shall adopt rules to
375 implement this subsection, including rules establishing the form
376 for the affidavit required under this subsection.

377 (6) (a) The agricultural land or an interest in such land

2023264er

378 that is owned or acquired in violation of this section may be
379 forfeited to the state.

380 (b) The Department of Agriculture and Consumer Services may
381 initiate a civil action in the circuit court of the county in
382 which the property lies for the forfeiture of the agricultural
383 land or any interest therein.

384 (c) Upon filing such action, the clerk must record a lis
385 pendens in accordance with s. 48.23. The court must advance the
386 cause on the calendar. The defendant may at any time petition to
387 modify or discharge the lis pendens based upon a finding that
388 there is no probable cause to believe that the agricultural
389 land, or any portion thereof, is owned or held in violation of
390 this section.

391 (d) If the court finds that the agricultural land, or any
392 portion thereof, is owned or held in violation of this section,
393 the court must enter a final judgment of forfeiture vesting
394 title to the agricultural land in this state, subject only to
395 the rights and interests of bona fide lienholders, and such
396 final judgment relates back to the date of the lis pendens.

397 (e) The department may sell the agricultural land subject
398 to a final judgment of forfeiture. Any proceeds from the sale
399 must first be paid to any lienholders of the land, followed by
400 payment of any outstanding fines assessed pursuant to this
401 section, after which the department must be reimbursed for all
402 costs related to the forfeiture civil action and any costs
403 related to the sale of the land. Any remaining proceeds must be
404 paid to the property owner.

405 (f) At any time during the forfeiture proceeding the
406 department may seek an ex parte order of seizure of the

2023264er

407 agricultural land upon a showing that the defendant's control of
408 the agricultural land constitutes a clear and present danger to
409 the state.

410 (7) A foreign principal that purchases or acquires
411 agricultural land or any interest therein in violation of this
412 section commits a misdemeanor of the second degree, punishable
413 as provided in s. 775.082 or s. 775.083.

414 (8) A person who knowingly sells agricultural land or any
415 interest therein in violation of this section commits a
416 misdemeanor of the second degree, punishable as provided in s.
417 775.082 or s. 775.083.

418 (9) The Department of Agriculture and Consumer Services
419 shall adopt rules to implement this section.

420 Section 6. Section 692.203, Florida Statutes, is created to
421 read:

422 692.203 Purchase of real property on or around military
423 installations or critical infrastructure facilities by foreign
424 principals prohibited.-

425 (1) A foreign principal may not directly or indirectly own,
426 or have a controlling interest in, or acquire by purchase,
427 grant, devise, or descent any interest, except a de minimus
428 indirect interest, in real property on or within 10 miles of any
429 military installation or critical infrastructure facility in
430 this state. A foreign principal has a de minimus indirect
431 interest if any ownership is the result of the foreign
432 principal's ownership of registered equities in a publicly
433 traded company owning the land and if the foreign principal's
434 ownership interest in the company is either:

435 (a) Less than 5 percent of any class of registered equities

2023264er

436 or less than 5 percent in the aggregate in multiple classes of
437 registered equities; or

438 (b) A noncontrolling interest in an entity controlled by a
439 company that is both registered with the United States
440 Securities and Exchange Commission as an investment adviser
441 under the Investment Advisers Act of 1940, as amended, and is
442 not a foreign entity.

443 (2) A foreign principal that directly or indirectly owns or
444 acquires any interest in real property on or within 10 miles of
445 any military installation or critical infrastructure facility in
446 this state before July 1, 2023, may continue to own or hold such
447 real property, but may not purchase or otherwise acquire by
448 grant, devise, or descent any additional real property on or
449 within 10 miles of any military installation or critical
450 infrastructure facility in this state.

451 (3) (a) A foreign principal must register with the
452 Department of Economic Opportunity if the foreign principal owns
453 or acquires real property on or within 10 miles of any military
454 installation or critical infrastructure facility in this state
455 as authorized under subsection (4) or if the foreign principal
456 owned or acquired an interest, other than a de minimus indirect
457 interest, in such property before July 1, 2023. The department
458 must establish a form for such registration which, at a minimum,
459 must include all of the following:

- 460 1. The name of the owner of the real property.
461 2. The address of the real property, the property
462 appraiser's parcel identification number, and the property's
463 legal description.

464 (b) A foreign principal that fails to timely file a

2023264er

465 registration with the department is subject to a civil penalty
466 of \$1,000 for each day that the registration is late. A foreign
467 principal must register a property interest owned before July 1,
468 2023, by December 31, 2023. The registration is considered to be
469 late after January 31, 2024. A foreign principal who owns or
470 acquires real property on or after July 1, 2023, as authorized
471 under subsection (4), must register the real property within 30
472 days after the property is owned or acquired. The department may
473 place a lien against the unregistered real property for the
474 unpaid balance of any penalties assessed under this paragraph.

475 (4) Notwithstanding subsection (1) a foreign principal who
476 is a natural person may purchase one residential real property
477 that is up to 2 acres in size if all of the following apply:

478 (a) The parcel is not on or within 5 miles of any military
479 installation in this state.

480 (b) The person has a current verified United States Visa
481 that is not limited to authorizing tourist-based travel or
482 official documentation confirming that the person has been
483 granted asylum in the United States, and such visa or
484 documentation authorizes the person to be legally present within
485 this state.

486 (c) The purchase is in the name of the person who holds the
487 visa or official documentation described in paragraph (b).

488 (5) Notwithstanding subsections (1) and (2), a foreign
489 principal may acquire real property or any interest therein
490 which is on or within 10 miles of any military installation or
491 critical infrastructure facility in this state on or after July
492 1, 2023, by devise or descent, through the enforcement of
493 security interests, or through the collection of debts, provided

2023264er

494 that the foreign principal sells, transfers, or otherwise
495 divests itself of such real property within 3 years after
496 acquiring the real property.

497 (6) (a) At the time of purchase, a buyer of the real
498 property that is on or within 10 miles of any military
499 installation or critical infrastructure facility in this state
500 must provide an affidavit signed under penalty of perjury
501 attesting that the buyer is:

502 1. Not a foreign principal or not a foreign principal
503 prohibited from purchasing the subject real property; and

504 2. In compliance with the requirements of this section.

505 (b) The failure to obtain or maintain the affidavit does
506 not:

507 1. Affect the title or insurability of the title for the
508 real property; or

509 2. Subject the closing agent to civil or criminal
510 liability, unless the closing agent has actual knowledge that
511 the transaction will result in a violation of this section.

512 (c) The Florida Real Estate Commission shall adopt rules to
513 implement this subsection, including rules establishing the form
514 for the affidavit required under this subsection.

515 (7) (a) If any real property is owned or acquired in
516 violation of this section, the real property may be forfeited to
517 the state.

518 (b) The Department of Economic Opportunity may initiate a
519 civil action in the circuit court of the county in which the
520 property lies for the forfeiture of the real property or any
521 interest therein.

522 (c) Upon filing such action, the clerk must record a lis

2023264er

523 pendens in accordance with s. 48.23. The court must advance the
524 cause on the calendar. The defendant may at any time petition to
525 modify or discharge the lis pendens based upon a finding that
526 there is no probable cause to believe that the real property, or
527 any portion thereof, is owned or held in violation of this
528 section.

529 (d) If the court finds that the real property, or any
530 portion thereof, is owned or held in violation of this section,
531 the court must enter a final judgment of forfeiture vesting
532 title to the real property in this state, subject only to the
533 rights and interests of bona fide lienholders, and such final
534 judgment relates back to the date of the lis pendens.

535 (e) The department may sell the real property subject to a
536 final judgment of forfeiture. Any proceeds from the sale must
537 first be paid to any lienholders of the land, followed by
538 payment of any outstanding fines assessed pursuant to this
539 section, after which the department must be reimbursed for all
540 costs related to the forfeiture civil action and any costs
541 related to the sale of the land. Any remaining proceeds must be
542 paid to the property owner.

543 (f) At any time during the forfeiture proceeding the
544 department may seek an ex parte order of seizure of the real
545 property upon a showing that the defendant's control of the real
546 property constitutes a clear and present danger to the state.

547 (8) A foreign principal that purchases or acquires real
548 property or any interest therein in violation of this section
549 commits a misdemeanor of the second degree, punishable as
550 provided in s. 775.082 or s. 775.083.

551 (9) A person who knowingly sells real property or any

2023264er

552 interest therein in violation of this section commits a
553 misdemeanor of the second degree, punishable as provided in s.
554 775.082 or s. 775.083.

555 (10) The Department of Economic Opportunity shall adopt
556 rules to implement this section.

557 Section 7. Section 692.204, Florida Statutes, is created to
558 read:

559 692.204 Purchase or acquisition of real property by the
560 People's Republic of China prohibited.—

561 (1) (a) The following persons or entities may not directly
562 or indirectly own, have a controlling interest in, or acquire by
563 purchase, grant, devise, or descent any interest, except a de
564 minus indirect interest, in real property in this state:

565 1. The People's Republic of China, the Chinese Communist
566 Party, or any official or member of the People's Republic of
567 China or the Chinese Communist Party.

568 2. Any other political party or member of a political party
569 or a subdivision of a political party in the People's Republic
570 of China.

571 3. A partnership, an association, a corporation, an
572 organization, or any other combination of persons organized
573 under the laws of or having its principal place of business in
574 the People's Republic of China, or a subsidiary of such entity.

575 4. Any person who is domiciled in the People's Republic of
576 China and who is not a citizen or lawful permanent resident of
577 the United States.

578 5. Any person, entity, or collection of persons or entities
579 described in subparagraphs 1. through 4. having a controlling
580 interest in a partnership, association, corporation,

2023264er

581 organization, trust, or any other legal entity or subsidiary
582 formed for the purpose of owning real property in this state.

583 (b) A person or entity has a de minimus indirect interest
584 if any ownership is the result of the person's or entity's
585 ownership of registered equities in a publicly traded company
586 owning the land and if the person's or entity's ownership
587 interest in the company is either:

588 1. Less than 5 percent of any class of registered equities
589 or less than 5 percent in the aggregate in multiple classes of
590 registered equities; or

591 2. A noncontrolling interest in an entity controlled by a
592 company that is both registered with the United States
593 Securities and Exchange Commission as an investment adviser
594 under the Investment Advisers Act of 1940, as amended, and is
595 not a foreign entity.

596 (2) Notwithstanding subsection (1), a natural person
597 described in paragraph (1)(a) may purchase one residential real
598 property that is up to 2 acres in size if all of the following
599 apply:

600 (a) The parcel is not on or within 5 miles of any military
601 installation in this state.

602 (b) The person has a current verified United States Visa
603 that is not limited to authorizing tourist-based travel or
604 official documentation confirming that the person has been
605 granted asylum in the United States and such visa or
606 documentation authorizes the person to be legally present within
607 this state.

608 (c) The purchase is in the name of the person who holds the
609 visa or official documentation described in paragraph (b).

2023264er

610 (3) A person or entity described in paragraph (1)(a) that
611 directly or indirectly owns or acquires any interest in real
612 property in this state before July 1, 2023, may continue to own
613 or hold such real property, but may not purchase or otherwise
614 acquire by grant, devise, or descent any additional real
615 property in this state.

616 (4)(a) A person or entity described in paragraph (1)(a),
617 subsection (2), or subsection (5) must register with the
618 Department of Economic Opportunity if the person or entity owns
619 or acquires more than a de minimus indirect interest in real
620 property in this state. The department must establish a form for
621 such registration which, at a minimum, must include all of the
622 following:

- 623 1. The name of the owner of the real property.
624 2. The address of the real property, the property
625 appraiser's parcel identification number, and the property's
626 legal description.

627 (b) A person or entity that fails to timely file a
628 registration with the department is subject to a civil penalty
629 of \$1,000 for each day that the registration is late. The person
630 or entity subject to the registration requirements must register
631 the property or property interests owned or acquired before July
632 1, 2023, by December 31, 2023. The registration is considered to
633 be late 30 days after January 31, 2024. A person or entity that
634 owns or acquires real property or an interest in real property
635 as authorized under subsection (2) or subsection (5), other than
636 a de minimus indirect interest, on or after July 1, 2023, must
637 register the real property or interest within 30 days after the
638 property or interest is owned or acquired. The department may

2023264er

639 place a lien against the unregistered real property for the
640 unpaid balance of any penalties assessed under this paragraph.

641 (5) Notwithstanding subsection (1), a person or an entity
642 described in paragraph (1)(a) may acquire real property in this
643 state on or after July 1, 2023, by devise or descent, through
644 the enforcement of security interests, or through the collection
645 of debts, provided that the person or entity sells, transfers,
646 or otherwise divests itself of such real property within 3 years
647 after acquiring the real property, unless the person or entity
648 is exempt under s. 692.205.

649 (6) (a) At the time of purchase, a buyer of real property in
650 this state must provide an affidavit signed under penalty of
651 perjury attesting that the buyer is:

652 1. Not a person or entity described in paragraph (1)(a) or
653 that the buyer is a person described in paragraph (1)(a) but is
654 authorized under subsection (2) to purchase the subject
655 property; and

656 2. In compliance with the requirements of this section.

657 (b) The failure to obtain or maintain the affidavit does
658 not:

659 1. Affect the title or insurability of the title for the
660 real property; or

661 2. Subject the closing agent to civil or criminal
662 liability, unless the closing agent has actual knowledge that
663 the transaction will result in a violation of this section.

664 (c) The Florida Real Estate Commission shall adopt rules to
665 implement this subsection, including rules establishing the form
666 for the affidavit required under this subsection.

667 (7) (a) If any real property is owned or acquired in

2023264er

668 violation of this section, the real property may be forfeited to
669 the state.

670 (b) The Department of Economic Opportunity may initiate a
671 civil action in the circuit court of the county in which the
672 property lies for the forfeiture of the real property or any
673 interest therein.

674 (c) Upon filing such action, the clerk must record a lis
675 pendens in accordance with s. 48.23. The court must advance the
676 cause on the calendar. The defendant may at any time petition to
677 modify or discharge the lis pendens based upon a finding that
678 there is no probable cause to believe that the real property, or
679 any portion thereof, is owned or held in violation of this
680 section.

681 (d) If the court finds that the real property, or any
682 portion thereof, is owned or held in violation of this section,
683 the court must enter a final judgment of forfeiture vesting
684 title to the real property in this state, subject only to the
685 rights and interests of bona fide lienholders, and such final
686 judgment relates back to the date of the lis pendens.

687 (e) The department may sell the real property subject to a
688 final judgment of forfeiture. Any proceeds from the sale must
689 first be paid to any lienholders of the land, followed by
690 payment of any outstanding fines assessed pursuant to this
691 section, after which the department must be reimbursed for all
692 costs related to the forfeiture civil action and any costs
693 related to the sale of the land. Any remaining proceeds must be
694 paid to the property owner.

695 (f) At any time during the forfeiture proceeding the
696 department may seek an ex parte order of seizure of the real

2023264er

697 property upon a showing that the defendant's control of the real
698 property constitutes a clear and present danger to the state.

699 (8) A violation of this section constitutes a felony of the
700 third degree, punishable as provided in s. 775.082, s. 775.083,
701 or s. 775.084.

702 (9) A person who knowingly sells real property or any
703 interest therein in violation of this section commits a
704 misdemeanor of the first degree, punishable as provided in s.
705 775.082 or s. 775.083.

706 (10) The Department of Economic Opportunity shall adopt
707 rules to implement this section.

708 Section 8. Section 692.205, Florida Statutes, is created to
709 read:

710 692.205 Inapplicability of this part to real property for
711 diplomatic purposes.—This part does not apply to a foreign
712 principal that acquires real property for a diplomatic purpose
713 that is recognized, acknowledged, or allowed by the Federal
714 Government.

715 Section 9. Present subsections (3), (4), and (5) of section
716 408.051, Florida Statutes, are redesignated as subsections (4),
717 (5), and (6), respectively, a new subsection (3) is added to
718 that section, and subsection (2) of that section is reordered
719 and amended, to read:

720 408.051 Florida Electronic Health Records Exchange Act.—

721 (2) DEFINITIONS.—As used in this section, the term:

722 (c) ~~(a)~~ "Electronic health record" means a record of a
723 person's medical treatment which is created by a licensed health
724 care provider and stored in an interoperable and accessible
725 digital format.

2023264er

726 ~~(i)-(b)~~ "Qualified electronic health record" means an
727 electronic record of health-related information concerning an
728 individual which includes patient demographic and clinical
729 health information, such as medical history and problem lists,
730 and which has the capacity to provide clinical decision support,
731 to support physician order entry, to capture and query
732 information relevant to health care quality, and to exchange
733 electronic health information with, and integrate such
734 information from, other sources.

735 ~~(a)-(e)~~ "Certified electronic health record technology"
736 means a qualified electronic health record that is certified
737 pursuant to s. 3001(c)(5) of the Public Health Service Act as
738 meeting standards adopted under s. 3004 of such act which are
739 applicable to the type of record involved, such as an ambulatory
740 electronic health record for office-based physicians or an
741 inpatient hospital electronic health record for hospitals.

742 (b) "Cloud computing" has the same meaning as in s.
743 282.0041.

744 (d) "Health care provider" means any of the following:

745 1. A provider as defined in s. 408.803.

746 2. A health care practitioner as defined in s. 456.001.

747 3. A health care professional certified under part IV of
748 chapter 468.

749 4. A home health aide as defined in s. 400.462.

750 5. A service provider as defined in s. 394.455 and the
751 service provider's clinical and nonclinical staff who provide
752 inpatient or outpatient services.

753 6. A continuing care facility licensed under chapter 651.

754 7. A pharmacy permitted under chapter 465.

2023264er

755 ~~(e)-(d)~~ "Health record" means any information, recorded in
756 any form or medium, which relates to the past, present, or
757 future health of an individual for the primary purpose of
758 providing health care and health-related services.

759 ~~(f)-(e)~~ "Identifiable health record" means any health record
760 that identifies the patient or with respect to which there is a
761 reasonable basis to believe the information can be used to
762 identify the patient.

763 ~~(g)-(f)~~ "Patient" means an individual who has sought, is
764 seeking, is undergoing, or has undergone care or treatment in a
765 health care facility or by a health care provider.

766 ~~(h)-(g)~~ "Patient representative" means a parent of a minor
767 patient, a court-appointed guardian for the patient, a health
768 care surrogate, or a person holding a power of attorney or
769 notarized consent appropriately executed by the patient granting
770 permission to a health care facility or health care provider to
771 disclose the patient's health care information to that person.
772 In the case of a deceased patient, the term also means the
773 personal representative of the estate of the deceased patient;
774 the deceased patient's surviving spouse, surviving parent, or
775 surviving adult child; the parent or guardian of a surviving
776 minor child of the deceased patient; the attorney for the
777 patient's surviving spouse, parent, or adult child; or the
778 attorney for the parent or guardian of a surviving minor child.

779 (3) SECURITY AND STORAGE OF PERSONAL MEDICAL INFORMATION.-
780 In addition to the requirements in 45 C.F.R. part 160 and
781 subparts A and C of part 164, a health care provider that
782 utilizes certified electronic health record technology must
783 ensure that all patient information stored in an offsite

2023264er

784 physical or virtual environment, including through a third-party
785 or subcontracted computing facility or an entity providing cloud
786 computing services, is physically maintained in the continental
787 United States or its territories or Canada. This subsection
788 applies to all qualified electronic health records that are
789 stored using any technology that can allow information to be
790 electronically retrieved, accessed, or transmitted.

791 Section 10. Subsections (14) and (15) are added to section
792 408.810, Florida Statutes, to read:

793 408.810 Minimum licensure requirements.—In addition to the
794 licensure requirements specified in this part, authorizing
795 statutes, and applicable rules, each applicant and licensee must
796 comply with the requirements of this section in order to obtain
797 and maintain a license.

798 (14) The licensee must sign an affidavit at the time of his
799 or her initial application for a license and on any renewal
800 applications thereafter that attests under penalty of perjury
801 that he or she is in compliance with s. 408.051(3). The licensee
802 must remain in compliance with s. 408.051(3) or the licensee
803 shall be subject to disciplinary action by the agency.

804 (15) (a) The licensee must ensure that a person or entity
805 who possesses a controlling interest does not hold, either
806 directly or indirectly, regardless of ownership structure, an
807 interest in an entity that has a business relationship with a
808 foreign country of concern or that is subject to s. 287.135.

809 (b) For purposes of this subsection, the term:

810 1. "Business relationship" means engaging in commerce in
811 any form, including, but not limited to, acquiring, developing,
812 maintaining, owning, selling, possessing, leasing, or operating

2023264er

813 equipment, facilities, personnel, products, services, personal
814 property, real property, military equipment, or any other
815 apparatus of business or commerce.

816 2. "Foreign country of concern" has the same meaning as in
817 s. 692.201.

818 3. "Interest" has the same meaning as in s. 286.101(1).

819 Section 11. Section 836.05, Florida Statutes, is amended to
820 read:

821 836.05 Threats; extortion.—

822 (1) Whoever, either verbally or by a written or printed
823 communication, maliciously threatens to accuse another of any
824 crime or offense, or by such communication maliciously threatens
825 an injury to the person, property or reputation of another, or
826 maliciously threatens to expose another to disgrace, or to
827 expose any secret affecting another, or to impute any deformity
828 or lack of chastity to another, with intent thereby to extort
829 money or any pecuniary advantage whatsoever, or with intent to
830 compel the person so threatened, or any other person, to do any
831 act or refrain from doing any act against his or her will,
832 commits shall be guilty of a felony of the second degree,
833 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

834 (2) A person who commits a violation of subsection (1) and
835 at the time of the violation is acting as a foreign agent, as
836 defined in s. 812.081(1), with the intent of benefiting a
837 foreign country of concern, as defined in s. 692.201, commits a
838 felony of the first degree, punishable as provided in s.
839 775.082, s. 775.083, or s. 775.084.

840 Section 12. This act shall take effect July 1, 2023.